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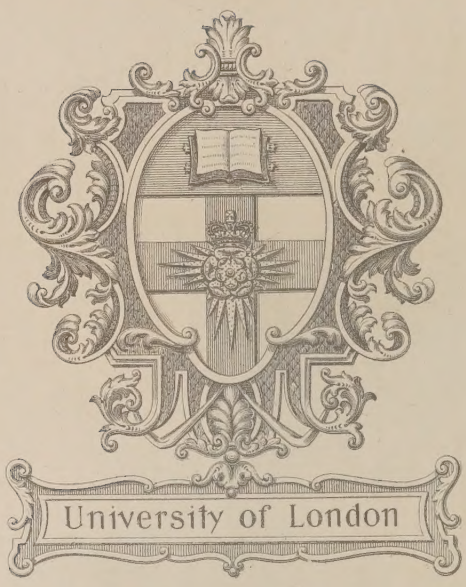

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REPORTS

FROM

COMMITTEES:

SIXTEEN VOLUMES.

—(2.)—

CHURCH LEASES; FIRST FRUITS; SURVEY OF PARISHES;
PREROGATIVE AND ECCLESIASTICAL COURTS, IRELAND;
EAST INDIA MARITIME OFFICERS;
STEAM COMMUNICATION, INDIA.

Session

31 *January*——17 *July* 1837.

VOL. VI.

1837.

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1837.

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SECOND VOLUME.

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REPORT

FROM THE

SELECT COMMITTEE

ON

FIRST FRUITS AND TENTHS,

AND ADMINISTRATION OF

QUEEN ANNE'S BOUNTY;

WITH

THE MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
7 *June* 1837.

Martis, 11° die Aprilis, 1837.

Ordered, THAT a Select Committee be appointed to inquire into the Constitution of the Boards connected with the Receipt of the First Fruits and Tenths, and Administration of Queen Anne's Bounty :—And that the Committee do consist of—

Mr. Gally Knight.	Mr. Cayley.
Lord Viscount Sandon.	Mr. Stuart Wortley.
Mr. Thomas Duncombe.	Mr. Wilbraham (Cheshire).
Sir Robert Inglis.	Mr. Greene.
Mr. Baines.	Mr. George Philips.
Mr. Robert Clive.	Lord Dudley Stuart.
Sir Charles Lemon.	Sir Harry Verney.
Mr. W. E. Gladstone.	

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the Committee.

Mercurii, 7° die Junii, 1837.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of the Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the CONSTITUTION of the BOARDS connected with the Receipt of the FIRST FRUITS and TENTHS and Administration of QUEEN ANNE'S BOUNTY; and who were empowered to report their Observations, together with the MINUTES OF THE EVIDENCE taken before them, to The HOUSE:——HAVE agreed to the following REPORT:—

YOUR COMMITTEE find that First Fruits were, originally, the first year's whole profits, and that Tenths were the tenth part of the whole annual profits of all benefices; that they were claimed by the Pope, and transmitted to Rome with more or less regularity.

At the Reformation, First Fruits and Tenths were transferred to the Sovereign, "for more augmentation and maintenance of the royal estate of his imperial crown, and dignity of Supreme Head of the Church of England," (26 Henry VIII. c. 3.); and a court of First Fruits was established by Act of Parliament, to receive the Annates and Tenths from the Clergy, and remit them to the King's Exchequer, (32 Henry VIII. c. 45.)

At the same time the King ordered a valuation to be made of all the episcopal sees and the benefices in England. The book which contains this valuation is called the Liber Regis. In that book all the episcopal sees and the benefices of England appear; and all, that have not been since exempted, pay First Fruits and Tenths, according to that valuation.

Some bishoprics and a considerable number of benefices have been discharged by subsequent Statutes. By royal grants, under the 1st of Eliz. c. 19, sect. 2, the Archbishop of Canterbury and the Bishop of London were not only exempted from Tenths, but authorized to receive the Tenths of a certain number of benefices within their respective dioceses, in compensation for certain manors and estates which, at the same time, were alienated from the sees. By the 1st of Elizabeth, c. 4, all Vicarages of not exceeding £. 10 annual value, and all Parsonages under ten marks were exempted from the payment of First Fruits; all Hospitals were exempted from Tenths, and the Dean and Canons of Windsor were exempted from First Fruits and Tenths.

By the 6th of Anne, c. 24, all benefices were discharged from the payment of First Fruits and Tenths which at that time were under the annual value of £. 50, except such Benefices of which the Tenths had been previously granted away by the Crown to other parties, which Benefices continue to pay Tenths only.

Other cases of exemption occur, to which reference will be made hereafter. There are two Archbishoprics, and 23 Bishoprics which are now liable to First

Fruits, and 18 Bishopries, which are liable to Tenths. Out of 10,498 benefices, with and without cure of souls, there are 4,898 which remain liable to Tenths, and of that number 4,500 are also liable to First Fruits.

The Court of First Fruits was dissolved, and its duties were annexed, by the 1st of Elizabeth, c. 4, to the Exchequer, of which the Boards of First Fruits and of Tenths are branches, under the superintendence of the same chief officer, the Remembrancer. Of these two Boards, the Board of First Fruits is the superior. Each Board has its own Receiver; but the Board of First Fruits is empowered to receive from the Board of Tenths all it collects, and transmits the amounts, together with its own receipts, to the Exchequer. The Board of First Fruits is also directed, and alone has the power, to enforce the payment of arrears due to either of the Boards, by calling upon the Exchequer to issue writs. The Remembrancer is the executive of this part of the functions of the Board.

The objects of the Board of First Fruits are provided for in the following manner. Writs are annually addressed by the Exchequer to the Bishops, requiring them to make a return, twice a year, to the Board of First Fruits, of all the institutions which may have taken place within the preceding half year in their respective dioceses. The Clergy are considered to be so fully aware of their liabilities, that they are expected to pay their dues without any notice. First Fruits are due within three months after institution or collation; except the First Fruits of Bishops, who, on account of the largeness of the sum, and the great expenses of taking possession, are by the 6th of Anne, c. 27, sec. 5, allowed to liquidate the debt in four equal yearly payments.

Tenths become due at Christmas, but are not exacted till after the end of April. If the payments on this account are not received at the appointed time, it becomes the duty of the respective Boards to address a notice to such Incumbents as may be in default. If this notice does not bring the money before the 1st of June, it is their duty to send a second notice; and if the arrears are not paid before the last day of June, the name of the clerical defaulter is put on what is called the Non-solvent Roll; any time after which the Board of First Fruits may apply to the Exchequer for a writ to compel payment. Each process subjects the defaulter to additional costs and fees.

In the case of a living being vacated, the Exchequer is empowered, by the 26th of Henry VIII. c. 3, sec. 18, to recover arrears of Tenths, not only from the executors and administrators, but also from the successor of the last Incumbent. Arrears of First Fruits, due at the time of vacancy, are, by the 1st of Eliz. c. 4, sec. 33, recoverable from the last Incumbent's heirs, executors, administrators and sureties, but not from his successor.

The salary of the Remembrancer chiefly arises from fees payable on each institution, on each notice, and on each writ.

The Receiver of the Board of First Fruits, who is also the Receiver of the Arrears of Tenths, deducts his salary from the receipts before he pays them into the Exchequer.

The Clerks are partly paid by fees and partly by salaries.

In the reign of Charles the Second the office of Remembrancer was made a patent place for ever, and conferred upon the family of the Duke of Grafton. It is a freehold, and has been repeatedly sold. In 1774 it was sold by the Duke of Grafton's Trustees to Mr. Lovelace, for £.7,650. The next year it was sold by Mr. Lovelace to George Barker Devon, Esq., for £.7,800; and, in 1798, it was sold

sold by Mr. Devon to Richardson Harrison, Esq., for £.6,000, in whose family it now remains.

Queen Anne, by Act of Parliament of the 2d and 3d of her reign, c. 11, gave up the proceeds of First Fruits and Tenths, on the part of herself and her successors, and assigned them for ever to the augmentation of poor livings, at the same time enacting that all episcopal sees not exempted, and all livings not discharged, should continue to pay First Fruits and Tenths according to such rates and proportions only as heretofore; it appearing, as is recited in the 5th section of the sixth of Anne, c. 27, that, at that time, the First Fruits of Archbishoprics and Bishoprics "amounted to near the full annual value thereof."

In 1704, Queen Anne, by Letters Patent, in pursuance of the Act of the 2d & 3d of Anne, erected a corporation who were authorized to receive from the Exchequer all the revenue of First Fruits and Tenths, and apply them to the augmentation of small livings. The Corporation consisted of the Lord High Chancellor, the Archbishops, the Great Officers of the Household, the Bishops and Deans, all Privy Councillors, the Lord Lieutenants of all the Counties, the Chief Justice and all the Justices of the Court of Queen's Bench, the Chief Justice and all the Justices of the Common Pleas, the Chief Baron and all the Barons of the Court of Exchequer, the Serjeants-at-Law, the Attorney and Solicitor General, the Advocate General, the Chancellor and Vice Chancellor of the two Universities, the Mayor and Aldermen of London, the Mayor of York, and the Mayors of all the cities of England; they, and their successors, were to have a perpetual jurisdiction; they were to hold at least four general courts in the year, of each of which notice was directed to be given in the Gazette fourteen days before the holding of the same. In the first instance, it was declared, that no Board should be legal at which a Bishop, a Judge and a Privy Councillor were not present. Subsequently this stipulation was withdrawn, and it was provided, that any one of the above description, together with any six other governors, should be a quorum.

Rules were prescribed for the government of the Board, but it was provided, by the 1st of George the First, c. 10, sec. 3, that the authority of the Sign Manual should be sufficient to alter the rules or add others, as occasion might require.

The Governors were, and are, purely honorary. The executive of the Corporation was to consist of a salaried Secretary and Treasurer, with as many Clerks as might be necessary. These officers were to be paid out of the funds of the Bounty, which also undertook the payment of the officers, and all expenses, of the Board of Tenths. The Board of First Fruits was suffered to remain on the same footing as before.

The operations of the Governors were, in the commencement, restricted to the relief of the revenues of the First Fruits and Tenths from various incumbrances, and to the augmentation of poor livings, by money to be laid out in land. Poor livings were successively raised to the annual value of, first, £.10; then to £.20, £.30, £.40, £.50, and finally to £.60. The method adopted was that of placing the names of the unaugmented poor livings in a box, and dividing the sums in hand among such as might be drawn out the first. Each donation, or lot, was limited to the sum of £.200. Any poor living was allowed to receive more lots than one till it was raised to the yearly value of the above-mentioned sums. Above that amount no living could receive an additional lot till all the other livings on the Bounty list had been, in their turn, augmented.

Another method of augmentation was, and is, by meeting benefactions. In this way, poor livings, at first those not exceeding the yearly value of £.35,

and afterwards, successively, those not exceeding the yearly value of £.45, £.50, £.80, £.120, and, finally, of £.200, were, and are, augmented with the sum of £.200, where any person or persons, in order to obtain the Bounty, contribute £.200, or a greater sum in money, or the value thereof in lands or tithes, or a clear yearly rent-charge or annuity of £.15. This liberal plan has been so liberally met, that the Bounty frequently obtains by much the larger sum, and the Governors have, latterly, under a recent rule under the Sign Manual, disposed of the larger part of the annual revenue of the Bounty Fund in meeting benefactions. In certain cases, the patronage of the cure, augmented in this manner, may be transferred to the benefactor with the consent of the ordinary.

Till land is purchased, the Incumbent of an augmented living receives three-and-a-quarter per cent. interest on the money appropriated thereto; the surplus goes to meet the necessary expenses of the Board. All the legal expenses incidental to the purchases were, and are, defrayed by the Bounty. The title-deeds of all the purchases are kept at the Bounty's office. Your Committee are inclined to believe that some reduction might be made under this head of expenditure, in respect to the legal costs of conveyances, if a short specific form were adopted, as in conveyances to railroads and other public companies. It is obvious that the exemption from the stamp duty, for which exemption the Governors are represented to have memorialized the Chancellor of the Exchequer, would be a further diminution of expense.

No stipulations were, at first, made as to the residence of the Incumbent on the augmented living. Poor livings are equally augmented that are held in plurality, or of which the great tithes are in the possession of lay impropriators, ecclesiastical bodies or colleges. It was not till the 1st and 2d of William the Fourth that ecclesiastical bodies and colleges were fully empowered to make a different application of any part of their corporate property; since which time advantage has been taken of the permission by some ecclesiastical bodies to augment poor livings, of which they enjoy the patronage; an example which it were to be wished that lay impropriators would more frequently imitate.

In 1809 the funds of the Bounty were increased by a Parliamentary Grant of £.100,000; and in the course of the eleven succeeding years were made ten Grants of a similar amount. The fund arising from the Parliamentary Grants has been always kept distinct, and is subject to different regulations. In the augmentations out of this source populous parishes were to have the priority. Out of this Fund Livings of not exceeding £.200 a year might be augmented with £.300, to meet a benefaction of £.200, or yearly stipend of £.15. The money appropriated to any poor living on which the Incumbent did not reside, or of which the Incumbent possessed another living of the yearly value of £.150, was to be *reserved*, and the interest thereof to accumulate into principal for the benefit of the living, until an Incumbent not possessed of another living of the annual value of £.150 should reside upon, or perform the duties of, the augmented living in person. This rule might only be departed from in cases of dispensation from residence on account of actual illness. The Incumbents, benefited under the Parliamentary Grants, receive the full dividends of the Bank Annuities appropriated to their respective livings. Of these Grants, however, only £.20,000, or thereabouts, remains unappropriated.

An useful innovation was introduced into the operations of the Bounty by the 17th of George the Third, which authorizes the Governors to advance money on mortgage to Incumbents, towards building, re-building or purchasing houses for their residence; and by the 43d of George the Third, the Governors were authorized to apply any part of the money already appropriated to any particular living to either of the above-mentioned purposes. The Incumbents, to whom

whom the money is advanced on mortgages, are bound to pay 3½ per cent. interest, and the whole of the principal in 20 years. Your Committee are of opinion that the term of the re-payment of the principal might, without impropriety, be extended to 30 years, which would be felt as a great accommodation by the Clergy.

By a new rule, adopted in 1829, the Governors limited the purchases in land to the parish of the augmented living, or the adjoining parish, vesting the allotted sums in public securities, till the terms of the donation can be complied with; unless an extraordinary advantage may be obtained for the Incumbent of the augmented living, in which case lands at a greater distance may be purchased. It had been found, that small estates, situated at any great distance from the augmented living, were often neglected, and that investments in the Funds were generally more beneficial to the Clergy than such purchases.

The Governors have the power of augmenting entirely new Churches, but only do so when the Church is previously endowed with at least £.45 a year.

The annual revenue of the Bounty from First Fruits and Tenths averages £.14,000.

The annual average of benefactions, from April 1831 to December 31, 1835, has amounted to £.13,363. 14. 10.

The annual interest of sums allotted to Benefices, and invested in the Funds till they can be laid out in land, amounts to £.41,000.

The annual interest of monies advanced on mortgage is £.10,794.

The government of the Bounty has, for the last century, been almost exclusively exercised by the Bishops. It has not of late been the custom to give notice in the Gazette of the days on which Boards are held. The business has imperceptibly fallen into the hands of those who were more immediately connected with the objects of the Bounty. Lord Harrowby, however, was for some time a frequent attendant at the Board, and any Governor who desires to be summoned receives a notice. Such a wish was recently expressed by the Lord Mayor and Aldermen of London, and they are summoned accordingly. About 15 Boards are usually held in the course of every year.

In 1831, the offices of Secretary and Treasurer were consolidated. The salaries of these officers have been, at various times, augmented. The salary of the Secretary had been raised to £.650 a year, and that of the Treasurer to £.500. When the offices were united, the salary was fixed, under the Sign Manual, at £.1,000 a year. Your Committee would not be doing justice to their own feelings if they omitted to express the favourable opinion which they entertain of the present Secretary and Treasurer, Mr. Hodgson.

The subjoined is a List of the Officers of the three Boards, together with their Salaries and Fees:—

	First Fruits Office:	£.	s.	d.	£.	s.	d.
Henry Warre, Esq., Remembrancer.	Annual average Amount of Fees	560	–	–			
	Payment from the Court of Exchequer, in lieu of certain abolished Fees	63	–	–			
					623	–	–
George Arbuthnot, Esq., Receiver					250	–	–
Mr. George Gunthorpe, Senior Sworn Clerk.	Annual average Amount of Fees	262	14	2			
	Under Receiver's Patent	20	–	–			
	Allowance from Receiver, out of his Salary	80	–	–			
		362	14	2	282	14	2
Mr. John Geesin, Junior Sworn Clerk	Annual average Amount of Fees				118	4	9
				£.	1,273	18	11

	£.	s.	d.
Tenths Office:			
Thomas Venables, Esq., Receiver, Salary	300	–	–
Thomas Venables, Esq., Receiver, Fees	125	–	–
Richard Griffiths, Senior Clerk, Salary	100	–	–
William Bridges, Junior Clerk, Salary	100	–	–
Besides the Fees on Notices, the amount of which is not stated.			
Office-keeper	25	–	–
Rent of Office, Stationery, Coals and Sundries	99	–	–
	£. 749	–	–
Queen Anne's Bounty Office:			
Christopher Hodgson, Esq., Secretary and Treasurer	1,000	–	–
Allowance for Coals, Candles, &c.	40	–	–
Charles Ansell, Esq., Auditor	100	–	–
Mr. John Holford, Clerk in the Secretary's department	300	–	–
Mr. George Aston, First Clerk in the Treasurer's department	300	–	–
Mr. Benjamin Aston, Second Clerk in ditto	200	–	–
John Dyneley, Esq., Solicitor, for attending the Boards	50	–	–
Daniel Beckley, Messenger	70	–	–
	£. 2,060	–	–
Total annual Expense of the Three Boards	£. 4,082	18	11

With regard to the Board of First Fruits and Tenths, such duties as they have, are almost exclusively performed by the Clerks, whose labours are not severe. Official hours are only from ten till two, and all red letter days are holidays. The Remembrancer very seldom attends at his office, as he resides in Somersetshire. The Receiver of the Board of First Fruits and Arrears of Tenths, holds two other situations, and transacts the business of the First Fruits Office at Whitehall. The Receiver of the Board of Tenths has been at his office only four times in eight years.

Your Committee regret to state, that into these Boards abuses have crept, through that want of control which arises from the absence of the principal officers. They find that in the manner of levying the arrears, the Clergy have been unfairly dealt by, apparently with no other object than that of augmenting the fees. The fee on a simple notice or letter is 2*s.* 6*d.*; but the fee on the writ is 5*s.* 8*d.* When, therefore, Your Committee observe that a system has been introduced of withholding the second notice, which, in many cases would supersede the necessity of a writ, the motive of such a practice is sufficiently obvious. It appears not to be imperative to enforce the payment of arrears at any particular time; and, after the name of the clerical defaulter is once put on the Non-solvent Roll, it is not the duty of any one to renew the demand, but each succeeding year entitles the Remembrancer and his Clerk to additional fees; and when at last the demand is made, the debt astonishes the forgetful, or necessitous, man, with its compound interest. Nor must it be forgotten that the succeeding Incumbent is liable for his predecessor's arrears of Tenths, and if they have been suffered to accumulate, may inherit a serious legacy. Delays of this injurious nature have taken place. In one instance, that of the Vicars Choral of Salisbury, ten years elapsed before the claim was urged, and when the money was paid, nearly a year elapsed before it found its way into the Tenths Office.

Independent of these irregularities (chiefly attaching to the Senior Sworn Clerk of the First Fruits,) the complication of so many Boards is productive of much inconvenience. Their duties are confused, their transactions uselessly multiplied, and not easily traced; business is obstructed by references from one office to the other; and if a complaint is made it is easy for one Board to represent that the other is in fault.

Your

Your Committee remark, in passing, that an useless practice is persevered in by the Board of Tenths, of annually making out a number of receipts for parties upon whom no legal claim exists. These receipts are made out for what are called the dead arrears. The dead arrears are the fictitious charges on benefices which have been at one time or other exempted by statute or otherwise, but which have never been formally discharged. Amongst them are Hospitals, exempted by Queen Elizabeth, and Charities exempted by the 1st of Edward the Sixth; two Charities in Ripon; Hatfield Vicarage, near York, to which there has been no institution since the reign of Elizabeth; Twenty-five Vicars Choral in Lincoln Cathedral, of which the number has been reduced to four; St. Andrew's Prebend, and St. Michael's and St. Nicholas' Hospitals, at Beverley; all which were dissolved at the Reformation. The receipts are never forwarded, but are put away in a drawer. Your Committee are of opinion, that the list of these benefices should be carefully examined, and that all such as appear to be no longer liable to any legal claim should be finally struck out of the Non-solvent Roll.

Upon the whole, Your Committee consider that, under the present construction of the Boards of First Fruits and Tenths, a large sum is most unprofitably diverted from the augmentation of poor livings; and they have arrived at the opinion, that both these Boards ought to be forthwith abolished; and that the receipt, as well as the expenditure of the funds appropriated to the augmentation of small livings, should be concentrated in the Board of the Bounty.

Your Committee recommend, That the freehold of the Patent of the Remembrancer, should be bought up, and that the fees on institutions, should become payable to the account of Queen Anne's Bounty:

That no fresh appointment should be made to the office of Receiver to either Board, and that the Governors of Queen Anne's Bounty should be authorized to give the present Receiver of First Fruits and of Arrears of Tenths an equitable compensation for his interest in those offices:

That the services of the Senior Sworn Clerk of the Board of First Fruits be dispensed with:

That the services of the Junior Sworn Clerk of the Board of First Fruits, and the Junior Sworn Clerk of the Board of Tenths, be transferred to the Board of Queen Anne's Bounty:

That the Senior Sworn Clerk of the Board of Tenths be permitted to retire with a pension for life, payable out of the Funds of Queen Anne's Bounty.

Your Committee take pleasure in stating, that the operations of the Board of the Bounty have been conducted with zeal and attention. If before the year 1831 some proofs of insufficient vigilance are to be found in the loss sustained by the Bounty, through the defalcation of a former Treasurer, yet ample amends have been made by the Acting Governors, who since that time have devoted, and still devote, a portion of their incomes to replacing the whole of the deficit. Since that time fresh precautions have been taken, and checks introduced; and it must not be forgotten, that the gratuitous services of the Governors leave a considerable sum for the objects of the Bounty, which the management of the funds would otherwise require.

Your Committee therefore recommend, That for the future the Exchequer should direct the Bishops to send in twice a year to the Governors of the Queen

Anne's Bounty, a return of all institutions within their dioceses in the preceding half-year.

That all monies hereafter due, on the score either of First Fruits or Tenths, be hereafter paid, at the accustomed periods, to the Treasurer of Queen Anne's Bounty, who shall be bound, on the same day on which he receives them, to place them in the hands of the Bounty's Bankers, to the account of the Bounty:

That the power of calling upon the Exchequer to enforce the arrears, should be transferred to the Board of the Bounty, upon the following conditions:

1°. That every Incumbent, on payment of his institution fee, should receive a statement of his liabilities, if any, in respect of First Fruits and Tenths.

2°. That so soon as an Incumbent falls in arrear, he shall receive a notice:

3°. That, if there be occasion, the Writ of Exchequer, for the recovery of arrears, shall be issued as soon as it lawfully may:

4°. That at the commencement of each succeeding year, the Incumbent be reminded of the full amount of his debt, till it is discharged.

Your Committee further recommend, That, in future, no poor livings should be augmented of which the great tithes are in the possession of Colleges and Ecclesiastical Bodies, except to meet benefactions: that the rule in respect of residence, which was annexed to Parliamentary Grants, should, in future, be observed in all cases; and that cases in which the great tithes are not impropriate should, under circumstances otherwise equal, have a preferable claim upon the funds of the Bounty:

That once in the early part of every year, on some convenient day, the Corporation of Queen Anne's Bounty should hold a general board, of which fourteen days' previous notice should be given in the London Gazette:

That the Governors of the Bounty shall, annually, send in a return of the particulars of their Receipts and Expenditure to The King in Council, to be annually laid before both Houses of Parliament.

Your Committee further recommend, That the Salary of the Senior Clerk in the department of the Treasurer of the Bounty, in consequence of the increased duties, should be augmented by £. 50 a year, and that of the Junior Clerk in the same department by £. 30 a year.

By the alterations proposed, Your Committee are of opinion, that whilst about £. 1,500 a year will eventually be gained for the poor livings, the operations connected with the receipt and expenditure of First Fruits and Tenths will be carried on in a more regular and satisfactory manner.

In considering the construction and operations of the Boards to which the attention of Your Committee has been directed, Your Committee could not avoid remarking the nature of the funds through which the process of augmentation is advanced; and in so doing, it has been impossible for them not to perceive that the Liber Regis, though still the legal, is no longer an equal rule; and they cannot but be of opinion, that it would neither be unwise nor unjust, at some time, to correct the inequalities arising from the changes which have taken place since that valuation was made.

It appears to Your Committee that First Fruits are an oppressive burthen, whether on episcopal sees or livings, because they are co-incident with the expenses of taking possession, which are always considerable. Your Committee, therefore, are disposed to think that First Fruits should be totally abolished. But they incline to the opinion that, whenever this shall be done, in place of the present Tenths, a moderate and graduated impost, according to a valuation more nearly representing the actual income, and upon the scale adopted for the Irish livings by the 3d and 4th of William the Fourth, c. 37, might be charged upon all future holders of benefices above the yearly value of £. 300; the produce of which impost, might be advantageously applied to the more speedy augmentation of small livings, the provision of a retiring pension for infirm incumbents of small livings, and to assist in the endowment of new churches in the various parts of the country, in which the increase of population will never cease to create a necessity for extraordinary aids.

PROCEEDINGS OF THE COMMITTEE.

Martis, 18° *die Aprilis*, 1837.

PRESENT:

Mr. Baines.
Mr. Thomas Duncombe.
Mr. Gally Knight.
Sir Charles Lemon.
Mr. George Philips.
Sir Robert Inglis.

Mr. Gally Knight called to the Chair.

The Committee deliberated on the course of their uture proceeding.

Ordered, That Henry Warre, Esquire, do attend this Committee on Monday next, and bring with him his patent of appointment to his office of Remembrancer of First Fruits.

Ordered, That George Arbuthnot, Esquire, Receiver of First Fruits, do attend this Committee at the same time.

Ordered, That Mr. George Gunthorpe do attend this Committee at the same time.

Ordered, That Messrs. Griffiths and Bridges, Clerks in the Tenths Office, do attend this Committee at the same time.

Ordered, That Thomas Venables, Esquire, Receiver of Tenths, do attend this Committee at the same time, if the state of his health will permit him so to do.

Ordered, That Christopher Hodgson, Esquire, Secretary and Treasurer to the Governors of Queen Anne's Bounty, do attend this Committee at the same time.

[Adjourned till Monday next at Twelve o'Clock.

Lunæ, 8° *die Maii*, 1837.

PRESENT:

MR. GALLY KNIGHT in the Chair.

Sir Charles Lemon.
Mr. Robert Clive.
Mr. George Philips.
Mr. Thomas Duncombe.
Mr. Baines.
Lord Dudley Stuart.
Mr. George Wilbraham.
Mr. Greene.

Christopher Hodgson, Esquire, being called in, gave the Committee some further explanation of his former evidence, and delivered in to them several Accounts and Papers.

The Chairman then read to the Committee Draft of Report for their consideration.

To be further considered on Thursday 1st June.

[Adjourned to Thursday, 1 June, at Twelve o'Clock.

Jovis, 1° *die Junii*, 1837.

PRESENT:

MR. GALLY KNIGHT in the Chair.

Mr. Baines.
Sir Robert Inglis.
Mr. Stuart Wortley.
Sir Charles Lemon.
Sir Harry Verney.
Mr. Robert Clive.
Mr. George Philips.
Mr. William Gladstone.
Mr. Cayley.
Mr. George Wilbraham.
Mr. Thomas Duncombe.

The Chairman read to the Committee the paper referred to them by The House, being Instructions by Henry VIII. for taking the Valor Ecclesiasticus.

The Committee then proceeded in the further consideration of their Report.

[Adjourned till Monday at Twelve o'Clock.

Lunæ, 5° die Junii, 1837.

PRESENT:

MR. GALLY KNIGHT in the Chair.

Sir Charles Lemon.	Sir Robert Inglis.
Mr. Robert Clive.	Sir Harry Verney.
Mr. George Philips.	Mr. William Gladstone.
Mr. Cayley.	Mr. Baines.
Mr. Thomas Duncombe.	Mr. Wilbraham.
Lord Sandon.	Mr. Stuart Wortley.
Lord Dudley Stuart.	

The Committee resumed the further consideration of their Report.

Motion made and Question proposed (by Sir Robert Inglis) to leave out all the words in the two last paragraphs of the Report, and to insert the following instead thereof:—"That by the terms of reference under which the task of inquiring into the Constitution of the Boards of First Fruits and Tenths and Administration of Queen Anne's Bounty was entrusted to this Committee, it is not within the competence of this Committee to enter into an inquiry into the expediency or inexpediency of diminishing or abolishing on the one hand, or of raising on the other hand the present amount either of First Fruits or Tenths; and that it is equally out of the competence of this Committee to enter into the question, whether in the event of the abolition of First Fruits, any and what increase ought to be made in the rates and proportions, which only by law, that is to say, by the terms of the statute of 2 & 3 Anne, c. 11, are now payable as such First Fruits and Tenths upon any benefices, whether above or below any given value."

Question put,—"That the words proposed to be left out stand part of the Report."

The Committee divided.

Ayes - - - 6.	Noes - - - 4.
Mr. Baines.	Sir Robert Inglis.
Mr. George Philips.	Mr. William Gladstone.
Mr. Thomas Duncombe.	Lord Sandon.
Mr. George Wilbraham.	Lord Dudley Stuart.
Mr. Cayley.	
Sir Charles Lemon.	

So it was resolved in the affirmative.

Motion made (by Sir Charles Lemon) to leave out in the last paragraph from "abolished," in line 5, to "the," in line 10, for the purpose of inserting the following words:—"And they incline to the opinion that when this shall have been done, the future Tenths taken on a valuation more nearly representing the actual income, may justly be charged on all occupiers above the clear yearly income of 400*l.*, to which the incumbent shall be inducted after the passing of any Act to legalize such payment."

Question put,—"That the words proposed to be left out stand part of the Report."

The Committee divided.

Ayes - - - 3.	Noes - - - 2.
Mr. Baines.	Sir Charles Lemon.
Mr. George Philips.	Mr. Thomas Duncombe.
Mr. Wilbraham.	

So it was resolved in the affirmative.

The Committee made several other amendments in the Draft of the Report.

Ordered, That the Chairman do report the same to The House, with the several amendments which have been agreed to by the Committee.

[Adjourned.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Lunæ, 24° *die Aprilis*, 1837.

MEMBERS PRESENT.

Sir Harry Verney.	Lord Dudley Stuart.
Mr. Greene.	Sir Charles Lemon.
Mr. Baines.	Mr. George Philips.
Sir Robert Inglis.	Mr. Thomas Duncombe.
Mr. Robert Clive.	Mr. Cayley.
Mr. W. E. Gladstone.	

HENRY GALLY KNIGHT, ESQUIRE, IN THE CHAIR.

Henry Warre, Esquire, called in; and Examined.

H. Warre, Esq.

24 April 1837.

1. Mr. *Knight.*] I BELIEVE you are the Remembrancer of the First Fruits Office?—I am.

2. Where do you habitually reside?—In Somersetshire, at Bishop Ledyard.

3. I believe you hold your office by patent?—I do, and I produce the patent —[*producing the same.*]

4. That patent is a freehold, is it not?—A freehold.

5. Do you happen to know whether it has been often in the market?—It has been in the market, but I do not believe very often.

6. More than once?—More than once, certainly.

7. Did you inherit it, or purchase it?—My father-in-law purchased it, and by his will he gave it to four trustees, of whom I am one; and I hold it in trust for the family.

8. Do you know for what consideration he purchased it?—Six thousand pounds.

9. In what year was that?—I cannot tell you what year, but about 40 years ago.

10. You have brought the patent with you?—I have; it is a grant from Charles II. to the Duke of Grafton and his heirs and assigns.

11. And what does it purport to be; is it a lien on the First Fruits?—On the First Fruits.

12. To a certain amount?—No.

13. Will you state briefly the terms of it?—I have got an abstract of it in English—[*producing the same.*]

14. Will you read it, if you please?—

[*The Witness read the Abstract, as follows:*]

24 Jan. 31 Car. II°. By letters patent under the great seal of England, his said Majesty did, at the humble petition and nomination of Henry then Duke of Grafton, give and grant unto Marmaduke Gibbs, Esq. the office of Remembrancer of the First Fruits and Tenths in his Exchequer, and did thereby make, ordain, create and constitute the said Marmaduke Gibbs his Remembrancer of the First Fruits and Tenths in his said Exchequer, and did thereby constitute and appoint the said Marmaduke Gibbs his Remembrancer, to do, execute, exercise, despatch, direct, write, undergo and perform, or cause to be done, executed, exercised, despatched, directed, written, undergone and performed all and singular acts, ordinations, process, writings and other business whatsoever to the said office belonging or appertaining, or which of right ought to belong or appertain to the said office: To have, hold, enjoy, occupy and exercise the said office to the said Marmaduke Gibbs, his

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heirs and assigns, by himself, or by his or their sufficient deputy or deputies for ever, immediately and so soon as the said office, by the death, forfeiture or surrender of William Prettyman, Esq., Charles Porter, Esq., and John Fenn, Esq., or by the death of the said Henry Duke of Grafton, Isabella Duchess of Grafton, his wife, and Henry Bennett, Esq., and of the longer liver of them, or in any other manner, should become vacant.

And his said late Majesty did, by the said letters patent, give and grant unto the said Marmaduke Gibbs, all and all manner of sums of money, fees, salaries, wages, advantages, commodities and profits to the said office belonging or appertaining, or which of right or by custom ought to belong or appertain thereto, without account (except a fee or salary of 80 *l.* per annum in times past accustomed to be paid to the officer executing the said office): To have, hold and take all and singular the said sums of money, fees, advantages, rewards, commodities, profits and other the premises therein-before granted (except as before excepted) unto the said Marmaduke Gibbs, his heirs and assigns for ever, immediately after the vacancy of the said office as aforesaid, and in as ample a manner and form as Sir Christopher Hatton, knight, Thomas Godfrey, Thomas Argall, Sir Edward Stafford, knight, William Lord Harvey, Humphrey Rogers, James Rogers, Henry Ewer, James Rogers, or the said William Prettyman, or any of them, or any other person or persons at any time before having, occupying or exercising the said office ever had, held, received or enjoyed, or ought to have had, held, received or enjoyed the same.

Upon trust, that he the said Marmaduke Gibbs, his heirs and assigns should stand seised of the said office, with the appurtenances, and should from time to time pay or cause to be paid all and singular the wages, fees, profits and emoluments by reason of the said office received or to be received (except as before excepted), unto the said Henry Duke of Grafton his heirs and assigns.

The Witness.] This patent has been produced before several Committees of the House of Commons, and also before the solicitor to the Treasury, and it has been considered by them as a freehold patent office.

15. Mr. *Baines.*] Is this an appointment to the First Fruits Office, or First Fruits and Tenths?—First Fruits and Tenths.

16. It includes the Tenths as well?—It includes the Tenths.

17. Sir *Robert Inglis.*] You have delivered in a certain parchment document, what is that?—The exemplification of the original patent.

18. Mr. *G. Knight.*] Bearing what date?—Bearing date in the reign of George I.; I have no doubt the original patent was delivered up when this exemplification was given.

19. Will you state the chronological succession of the remembrancers from the date of the first patent to the present time, with the sums paid by each for their office?—It was held by the trustees of the Duke of Grafton for several years down to 1744; it was first granted to trustees for the use of the Duke of Grafton, and his heirs and successors; it continued in the hands of the Duke of Grafton's trustees down to 1774, when Sir George Colebrooke, the surviving trustee, sold it to a Mr. Lovelace.

20. Mr. *Baines.*] You say it remained in the hands of trustees, for whose benefit?—For the benefit of the Duke of Grafton and his family. On the 6th of April 1744, it appears to have been sold for 7,650 *l.* to Robert Lovelace, of the city of London, esquire.

21. By whom was it sold?—By Sir George Colebrooke, the surviving trustee.

22. For the benefit of his family?—Of the family of the Duke of Grafton.

23. Sir *Robert Inglis.*] When was the next sale?—The next is the 1st of March 1775, being a conveyance from the said Robert Lovelace to George Barker Devon, esq., for 7,800 *l.*; then on the 12th of June 1798, it was sold by the said George Barker Devon to Richardson Harrison, esq., for 6,000 *l.*

24. Sir *Charles Lemon.*] Was it purchased by your father from Mr. Harrison?—No; Mr. Harrison was my father-in-law, and died last year, appointing me one of his executors, and the other three executors concurred in appointing me remembrancer. Mr. Harrison was my father-in-law, and my wife has a share in it.

25. To whom was it bequeathed?—To the Rev. Thomas Alston Warren, Anthony Spedding, Mary the wife of John Rowton, and myself, and all the trustees concurred in appointing me remembrancer.

26. Sir *Robert Inglis.*] Do you hold the office for your own benefit?—No, in trust for the five children of Mr. Harrison, my wife being one of them.

27. You have stated various prices as paid at different times for the office in question; can you explain to the Committee the circumstances which caused that

that variation in price?—No, I cannot; but I suppose one reason was, the difference in the value of money. I know that Mr. Harrison sold a large sum of 3 per Cents., and they were only at 58 when he purchased this office; they are now at 92. A very small sum now, comparatively speaking, would produce that money.

28. Mr. *G. Knight.*] The duties of the office, of course, are performed by deputy?—They are performed by myself and two sworn clerks.

29. Do you perform any part of them yourself?—I attend whenever I am wanted, and always pass the accounts.

30. Out of what fund is the salary paid, or how is it paid?—It is paid by fees, principally on institutions to livings; there is a sum of 1*l.* 14*s.* paid for each living.

31. Sir *Harry Verney.*] Is there any caution money, or any security given?—No.

32. And the duties are entirely executed by deputy, except passing the accounts?—Not entirely; I do not reside in town myself; if I did I should be at the office very often I dare say. I do what I am called on to do; there are two sworn clerks who are old hands at these duties.

33. What is the value of these fees?—The average annual value is about 560*l.*; but there are very heavy deductions.

34. What is the net amount?—The remembrancer's clear fees, after paying all outgoings, clerks, land-tax, rent of chambers, fire, and so on, amount to about 300*l.*

35. Mr. *G. Knight.*] Under what department of the government is this board?—Under the Exchequer.

36. What is the nature of the deductions you have spoken of?—Rent of chambers, salary paid to clerks, taxes, laundress, fire and a variety of other things of that description.

37. Mr. *Baines.*] Have you a power to compound, under the sanction of the Lord Chancellor or Master of the Rolls, for the value of livings?—Not under the Lord Chancellor or Master of the Rolls, that I know of; but I conceive that under that patent I have the power, or that I am the only officer who can do so.

38. Have you any patent giving you that authority?—No other than this. It has always been done since this has been a patent.

39. I should like to know whether there is such a patent in existence as is required; I believe by one of the Acts of Parliament under which you act; and how that power is devolved upon you, and in what way you exercise it?—I have no other power than that given to me by this patent, which I conceive empowers me, and no other person, to do that; and it has always been the practice of the office ever since it has been an office.

40. Is it your practice to compound at all on a living or a see becoming vacant? have you power to compound with the person appointed, as to the amount that he shall pay for First Fruits and Tenths?—I can scarcely answer that question.

41. Mr. *G. Knight.*] Have you ever done so?—Always.

42. Mr. *Baines.*] Do you mean you have always compounded as to the amount that shall be paid, and as to the mode in which it shall be paid by the bishop or by the beneficed clergyman on being inducted to his living?—Always.

43. Then every living is made a matter of arrangement between the remembrancer and the incumbent?—Not exactly that; the livings always pay it. If they do not, we get a return from the bishop's secretary.

44. I wish to inquire whether you have a power of altering the sum to be paid by the incumbent, or whether you take it from some valuation which already exists, and regulate your proceedings entirely by that valuation?—Entirely by that valuation.

45. Then in reality you have no power to compound at all?—No.

46. And you never exercise it?—We always take the sum that has been fixed on.

47. Then I suppose the standard by which you are regulated is the valuation in the King's books?—Yes, certainly.

48. And that invariably?—And that invariably.

49. Pray how do you compound with the Bishop of Ripon; you know there is no standard there?—They generally give bonds.

 50. The

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50. The bishopric of Ripon is a new bishopric, you know?—There is no charge.

51. Is your answer to that question, that there is no charge for the new bishopric?—I can hardly give an answer.

52. With respect to the Bishop of Durham, his bishopric has been put on a different foundation; do you know in what way the First Fruits and Tenths are paid by him? of course they are not subject to the valuation of Henry VIII., because that valuation was applicable to the whole, and now it is only applicable to a part?—I apprehend that he has paid one-third, and the rest remains for the Ecclesiastical Commissioners to settle; that is my impression.

53. Mr. *Gladstone.*] How would you describe the duties of your office?—To receive the returns of the bishops of all institutions, and if they do not pay the First Fruits within a reasonable time after that, then we issue out process to compel them.

54. Do you receive those returns from the secretaries?—Yes.

55. You ascertain in all cases that the amount has been paid, or else you compel payment?—Yes, we issue process to compel payment.

56. The business of your office then is to attest the payment?—Yes.

57. Do you receive actually any monies except your own fees?—No.

58. Mr. *T. Duncombe.*] Is there not a small salary of 50*l.* a year attached to your office?—There is a sum that is paid from the civil service; when the fees of the Court of Exchequer were abolished, they made us a compensation amounting to 63*l.*, or something, a year.

59. You have a salary of 63*l.* exclusive of fees?—Yes, that is in lieu of certain fees we used to have, but which were abolished by the Court of Exchequer on giving us a compensation, which they have paid annually.

60. Mr. *Gladstone.*] In lieu of what fees?—In lieu of process fees in the Court of Exchequer.

61. Mr. *Baines.*] You cannot define what fees were given up for which you received that compensation?—No, I cannot.

62. I understood you to say that those fees were the fees paid upon the processes which it is the business of your office to institute in cases where the First Fruits and Tenths have not been duly paid?—Yes; I do not know what the nature of those processes was.

63. Mr. *Greene.*] Do you receive any fees whatever now upon Exchequer processes?—Yes, certainly.

64. Did you comprehend them in the account you before gave of fees received?—Yes, I did, in the gross amount.

65. Sir *Harry Verney.*] Are the First Fruits and Tenths both in your department?—Yes; I am Remembrancer of the First Fruits and Tenths.

66. Do you issue Exchequer processes?—Yes, I do.

67. And on what occasions?—When clergymen do not pay their first fruits; we get a return from the bishops, and if they do not pay their first fruits within a reasonable time, we issue Exchequer processes.

68. Do you send information to the clergymen that they ought to pay it?—No; the clergyman ought to know that himself, I apprehend.

69. Mr. *G. Knight.*] Have you the power of making any surcharge?—Yes, I apprehend so, if they do not pay.

70. Sir *Harry Verney.*] It is the duty of the clergymen to pay their tenths within a certain period; is there a fee paid by the clergymen when they pay their tenths?—No.

71. Is there a fee paid on the issuing of the Exchequer process?—There is.

72. And to the same office?—Yes.

73. To the same person?—Yes.

74. Mr. *Baines.*] How do you ascertain when any living becomes vacant; is it communicated by the secretary of an ecclesiastical court in that diocese, or in what other way?—By the secretary of the Bishop; they make a regular return twice a year.

75. It is upon the institution to the living perhaps, rather than upon the vacancy?—It is upon the institution, not the vacancy.

76. Mr. *T. Duncombe.*] Your fixed salary is 63*l.* a year?—That is in one particular point.

77. Then your other emoluments are derived from fees?—Yes.

78. And

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78. And those fees are derived from Exchequer processes issued against clergymen?—And upon institutions.

79. Therefore your emoluments vary very much according to the number of Exchequer processes?—And according to the number of institutions.

80. And if there were no Exchequer processes your fees would fall off?—No doubt.

81. Do you believe that in the Tenths and in the First Fruits Office, every means is adopted by your clerks and people to prevent the clergymen being exchequered?—Upon my word I cannot answer that question; I have no idea that the matter is at all pressed against the clergymen.

George Arbuthnot, Esq., called in; and Examined.

George Arbuthnot, Esq.

82. Mr. *G. Knight.*] WHAT office do you hold?—That of Receiver of First Fruits and Arrears of Tenths.

83. By whom were you appointed?—By patent from the Treasury; it is a Treasury appointment.

84. What is the nature of the appointment; is it for life?—During pleasure.

85. Do you hold any other appointment?—Yes, I am a clerk in the Treasury.

86. Any thing else?—I am private secretary to Mr. Stanley.

87. Have you any other situation?—No other.

88. What is your salary as connected with the First Fruits?—There is a salary of 250*l.*, with an allowance besides of 20*l.* for a clerk; there are deductions from that for 1*s.* 6*d.* duty and land-tax, amounting to more than 20 *l.*

89. That salary you receive from the First Fruits?—From the First Fruits; I withhold it from the sums I receive on account of First Fruits.

90. Before the money is paid over to the Queen Anne's Bounty?—Before it is paid into the Exchequer; I pay it into the Exchequer.

91. The salary is deducted from the gross receipts of the First Fruits and Tenths before it is paid into the Exchequer, and consequently before it passes into the hands of the Queen Anne's Bounty Board?—Yes.

92. What are your duties?—To receive the money paid by the clergymen, on account of First Fruits, and also the arrears of Tenths.

93. The arrears of Tenths?—The arrears of Tenths.

94. In point of fact, have the arrears been large of late?—Of late they have been very large, at least comparatively.

95. Are you able to say when the Board of First Fruits was established?—May I ask what you mean by the Board?

96. What gave it its power; it was established in the reign of Henry VIII., was it not?—Commissioners were appointed in that reign.

97. Do you recollect the Act of Parliament?—The 26 Henry VIII. c. 3.

98. But it was by an Act of Parliament in the reign of Henry VIII.?—Before the reign of Henry VIII. the First Fruits belonged to the Pope; Henry VIII. took them, and provision was made for their collection, but the First Fruits Office was not, I believe, constituted in its present shape then; the Tenths Office was not constituted at that time.

99. Mr. *Baines.*] They are both specified in the 26th of Henry VIII.?—Yes; the Tenths were received for some time by the bishops; they collected them until they were discharged from that duty by the 3d Geo. I. c. 1 .

100. Mr. *G. Knight.*] You do not know whether the Board has undergone any alteration in its construction since that time?—No.

101. Do you know whether at any time there was any notion of uniting the Boards?—There was a suggestion in the 13th Report of the Finance Committee of 1797 that the offices of First Fruits and of Tenths should be united.

102. You think there was?—I am sure there was.

103. What livings are liable to First Fruits and Tenths?—By the Act 1st Elizabeth, c. 6, all rectories not exceeding 10 merks in the Liber Regis, and all vicarages not exceeding 10*l.* a year were relieved from First Fruits; and by the 5th of Anne, c. 24, all benefices not exceeding 50 *l.* in value were relieved.

104. Sir *Charles Lemon.*] Relieved from First Fruits or Tenths?—Those of Elizabeth were only relieved from the First Fruits; the Act of Anne releases all livings not exceeding 50*l.* from both First Fruits and Tenths.

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105. Mr. *G. Knight.*] What livings have remained liable to First Fruits and Tenths?—All standing in the King's books and not discharged by the Acts I have referred to.

106. In the Liber Regis?—Yes, in the Liber Regis; the 2d and 3d Anne, c. 11. s. 6. provides that all livings shall be rated at their old valuation, which is the valuation of the Liber Regis.

107. When you say "all," you mean all such livings as are not discharged; such as remain charged in the Liber Regis?—All in the Liber Regis that are not discharged by the Acts of Elizabeth and Anne.

108. Do the episcopal sees appear in the Liber Regis?—Yes.

109. What proportion do the livings discharged bear to those charged and in charge?—I cannot say from any accurate knowledge, but I believe that they bear a considerable proportion.

110. That the livings discharged bear a considerable proportion?—Yes; from the variation of the value of property since the time that the Liber Regis was compiled, I believe they will be found to bear now no relative value at all to that valuation; the First Fruits and Tenths being rated according to the valuation of the Liber Regis, are at present a very unequal and capricious tax.

111. Is it only the poorest livings that are discharged in the Liber Regis?—Those that were the poorest at that time.

112. That appears, does it?—Yes.

113. Sir *Charles Lemon.*] Are any other livings discharged by any other rule?—By no other rule except that those that have come into existence since that time are not charged; none of the new churches in London are charged.

114. In cases of recent endowments?—They are not charged.

115. Mr. *Baines.*] Do you mean to say that in forming the rule for discharging the livings, those under 10*l.* a year were in the first instance discharged, as they appear in the Liber Regis as valued at 10*l.* a year?—Yes.

116. And afterwards those that appear in the Liber Regis as valued at 50*l.* a year were discharged?—No, a valuation was made in the reign of Queen Anne, and livings under 50*l.* were discharged.

117. And that was the standard by which the livings were discharged?—Yes.

118. Mr. *G. Knight.*] How are you officially informed of a new appointment, either to an episcopal see or a living?—The bishops make their returns half-yearly to the remembrancer, and the remembrancer gives me authority to receive the money, which I do. There is a writ issued to the bishops to make a return, and they make a return to the writ.

119. The writ is sent from the Treasury?—No, by the remembrancer of the First Fruits through the Exchequer.

120. Is it the duty of the clergy to pay without notice?—I believe notice is given to them by the remembrancer.

121. How many months after their institution to a living do the First Fruits become due?—Within three months, I think, from the time that the return is made by the bishop.

122. If the payments are not made at the proper time, what steps are taken?—A writ is issued, unless there is some satisfactory explanation; in case of illness, or absence from the country, or sometimes in case of poverty, a reasonable time has been given.

123. If the dues have not been paid, are you at liberty to make any surcharge?—A writ is issued by the remembrancer to the sheriff.

124. And is he at liberty to make any surcharge?—A clergyman neglecting to pay his First Fruits within three months is liable to having a writ issued against him for double the amount; this penalty is however never enforced, but he pays an additional fee to the remembrancer.

125. At whose discretion is the payment suspended in case of poverty?—At the discretion of the remembrancer; it is a very rare case; I think there was one last year.

126. How do you enforce the collection of arrears?—A writ is issued and levied by the sheriff.

127. That is an Exchequer process?—An Exchequer process.

128. Do you know what arrears there are now in your books?—Very trifling indeed; there are hardly any.

129. I thought

129. I thought you said just now that of late there had been considerable arrears?—Of Tenths there have been.

130. What arrears of Tenths are there?—I cannot tell you the amount; the Tenths Office returns to the Exchequer all livings that have not paid their current year's Tenths, and a copy of that return is sent to the First Fruits Office, upon which the remembrancer issues writs to recover them.

131. Can you state the amount of arrears of Tenths since you have held your office, which is eight or nine years?—The amount of arrears of Tenths received at the First Fruits Office and paid over to the Tenths Office in each year, since I have held my office, is as follows:

				£.	*s.*	*d.*
From June	1828	to June	1829	278	13	11
,,	1829	to ,,	1830	212	12	9
,,	1830	to ,,	1831	206	4	2
,,	1831	to ,,	1832	373	14	10
,,	1832	to ,,	1833	241	18	–
,,	1833	to ,,	1834	14	3	7
,,	1834	to ,,	1835	362	3	11
,,	1835	to ,,	1836	514	6	10

132. Is information sent to the clergy who do not pay in the course of the year?—I think the Tenths Office send information to the clergy before they fall into arrear.

133. Sir *Harry Verney*.] Are you quite sure of that?—They send a letter, or I think two letters, to the clergy before they return them on the non-solvent roll to the Exchequer, but after the return in the non-solvent roll no more notice is issued from the Tenths Office, and then it rests with the Remembrancer of First Fruits to issue his writ to levy the amount.

134. Mr. *Knight*.] Has there been a new system introduced lately with regard to these arrears?—Not exactly a new system, except that I have made an arrangement with my clerk about paying up the arrears received more regularly; there was some irregularity in paying up the arrears. They are paid from the First Fruits Office, when recovered, into the Tenths Office, and they were not paid so regularly as they ought to have been; but I have now made an arrangement to ensure their being paid almost immediately on being received.

135. Sir *Harry Verney*.] Then in that case no clergyman can be returned on the non-solvent roll without having two letters in the course of the year?—Not in the first instance; but if he is once on the non-solvent roll he need not get any notice for the ensuing years. The Tenths Office have not the power of collecting the current tenths when a former year is in arrear; so that when once a person is included in the non-solvent roll no further notice goes to him, and in subsequent years he may be liable without receiving any notice.

136. May he be liable for a former incumbent?—Yes.

137. Without any fresh notice?—Yes.

138. And he never knows any thing about it in that case?—It may so happen.

139. Mr. *Duncombe*.] Was that always the arrangement?—I believe so.

140. Has there not been a new order issued by yourself not to apprise clergymen of arrears after one year was due?—No order was given by me to that effect.

141. Sir *Harry Verney*.] Does any officer derive any increase of fees from the clergy being left unapprised of their liabilities?—The remembrancer receives a fee on each year's arrear of Tenths.

142. Mr. *Knight*.] It is not the remembrancer's duty to apprise them?—No.

143. Mr. *Greene*.] How long are they ever allowed to continue on the non-solvent roll without Exchequer process being issued?—I was lately looking at the state of the non-solvent roll, and I see they have been allowed to continue in some cases four or five years without process being issued.

144. So that during that time the parties were not at all aware of the fact of their liability?—No, they were not.

145. Sir *Harry Verney*.] Then they paid a fee more for each year, I suppose?—I presume they did.

146. Mr. *Knight*.] When the money comes into your hands, what do you do with it?—Which money?

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147. Both?—The First Fruits I pay quarterly into the Exchequer, deducting the salaries.

148. You pay it into the Exchequer, to the credit of Queen Anne's Bounty?—Yes.

149. How long has any part of it remained in your hands before you paid it over?—I pay it over quarterly.

150. As soon as you receive it?—Each quarter.

151. At what period of that quarter have you received it from the boards?—I received it as parties came up to pay it; whatever I receive I pay over quarterly.

152. But you may have been receiving some of those sums during any part of that quarter?—Yes.

153. You keep a current account during the quarter, and at the end of the quarter you pay it over?—Yes.

154. Do you know what is the average annual receipt?—Of First Fruits?

155. Yes, the First Fruits?—The First Fruits necessarily vary very much; I should think the average was about 5,000*l.*

156. And the Tenths how much?—The Tenths I have no official knowledge of; I understand about 10,000*l.*, but I cannot answer that from my own knowledge.

157. Mr. *Duncombe.*] You have nothing to do with the Tenths Office, after the clergyman or the bishop may have been exchequered?—Nothing, except to pay into that office the amount of the arrears of Tenths collected.

158. And you receive 250*l.* salary?—Yes.

159. Do you receive any fees from the Exchequer processes?—No, the remembrancer receives fees.

160. You receive nothing beyond the 250*l.*?—No.

161. Mr. *Knight.*] Do the Tenths become due after the end of May?—At the end of May; at least they come into arrear after that time. If they are not paid before the end of May they are then in arrear, but they are still received at the Tenths Office till the end of the term; so that after the non-solvent roll is returned, another paper is sent in to the First Fruits Office of the sums which have been since paid up before the expiration of the term.

162. You pay this money quarterly into the Exchequer?—I pay it to the Tenths Office.

163. And they pay it to the Exchequer?—They pay it yearly to the Exchequer, at least I believe so.

164. I thought you said that the money that came into your hands you paid quarterly into the Exchequer?—The First Fruits.

165. Are the arrears paid with an increased fee?—The remembrancer has a fee upon each payment, whether there is a writ issued or not.

166. And an increased fee if there is a writ?—No, I think not; I think his fee is 5*s.* on each arrear.

167. Is the Board of First Fruits empowered to enforce the payment of Tenths as well as of First Fruits?—The arrears of Tenths as well as First Fruits.

168. Sir *H. Verney.*] Can you tell the greatest number of years that any parish is in arrear; are any of them in arrear ten years?—I do not think there are any; but I have nothing to do with the issuing of the writs; that may be seen by referring to the remembrancer's accounts.

169. Mr. *Cayley.*] Who is the receiver of the Tenths?—Mr. Venables.

170. Mr. *Duncombe.*] I think you said there were a great many livings discharged from the payment of First Fruits; are there any bishoprics?—None discharged.

171. Are there any that do not pay?—I presume a new bishopric would not pay.

172. Of course the Bishop of Ripon does not; but are there any of those which now stand in the Liber Regis that are exempt, or decline paying?—No, they all pay, I believe.

173. Mr. *Baines.*] Both First Fruits and Tenths?—Both First Fruits and Tenths.

174. Mr. *Duncombe.*] Is it not your duty to ascertain whether they do pay the Tenths?—Literally it is my duty to do nothing but what I am told to do by the remembrancer.

175. There

175. There has been a new arrangement made lately, has there not, with regard to the payment of arrears of Tenths back into the Tenths Office when they have been recovered by you?—Yes.

176. Since what time has that arrangement been made?—Recently.

177. Since this Committee has been appointed?—No, before that.

178. How long before?—Towards the end of last year my attention was called to the subject, and I then made the arrangement you refer to.

179. And that new arrangement is, that you should pay the arrears into the Tenths Office immediately you receive them?—Yes, I intend to pay them over every month; there has been hitherto no date kept of the time when they were received, and the new arrangement is, that the books should be kept so as to show the date when they are paid. They are paid into my account at my banker's, and will be paid over by me every month.

180. So that some arrears might have been paid four or five years ago, and not yet paid into the Tenths Office?—It could hardly have occurred.

181. Has there been no instance of any ecclesiastical body paying arrears into your hands, and those arrears being kept in your hands as receiver for a considerable time before they have been paid over?—Yes; there has been the case of the Vicars-choral Fund at Salisbury.

182. With respect to them, there was an arrear of 10 years in your office?—I believe it was 10 years' arrears, but it was the remembrancer's business to issue the writ for levying them.

183. But the writ was issued and the money paid in pursuance of that writ; were not the parties distrained on, and did they not pay the money into your office?—And I kept it 10 years, do you mean?

184. I do not know about 10 years, but it was not paid over for a considerable time after it was received, was it?—It was not paid over for some months; nearly a year, I believe.

185. To whose account did this money stand?—It was in the hands of my clerk. It was partly in consequence of that that I made the alteration.

186. Your clerk kept the money?—Yes; it remained in his hands until it was paid over to the Tenths' Office.

187. And you positively inform the Committee that you have not authorized any communication to the Tenths Office as to not informing any clergymen who may be in arrear more than one year, of such arrear being in existence?—Distinctly; I have not authorized any communication to the Tenths Office on the subject.

188. Do you not think that it would conduce very much to the convenience of the clergymen to be informed when they are in arrear, and that it would lessen the amount of the arrears on the non-solvent roll?—They receive notice before they are returned in the non-solvent roll; but it would doubtless be convenient to them to be informed that they are liable to the payment of Tenths for each succeeding year, instead of allowing the arrears to accumulate. On going over the books lately with the remembrancer's clerk, I suggested to him that, in cases in which arrears had been so allowed to accumulate without notice, it would be better to write to each clergyman before he issued a writ, and I believe he has done so.

189. But supposing the Tenths Office had written to the clergyman that he was more than one year in arrear, and the clergyman had, in consequence of that application, paid up his arrears, would not that have lessened the fees of the remembrancer very much?—I presume it would.

190. Mr. *Baines.*] Do you know the amount of the discharged livings as compared with those livings that are not discharged as taken from the King's books?—No, I cannot tell you the amount. I think that in many cases those which are discharged exceed in value those which pay; but I am only answering this at random.

191. Mr. *Cayley.*] Have you the means of giving an answer?—I have looked at the returns of livings in the Report of the Ecclesiastical Commissioners, and I have compared them with the valuations in the Liber Regis, but not accurately.

192. Mr. *Baines.*] Have you the patent by which you hold your office?—Yes —[*producing the same.*]

193. Of what date is it?—The 10th of January in the first year of the present King. It is a renewal of my appointment, which I held under patent, dated the 9th of May, 9th George 4.

194. Is it an office held by purchase?—No, it is only a patent during pleasure.

195. Is there any original patent, do you know, or is each patent itself an original?—Each patent itself is an original.

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196. Do you know when the office was first instituted?—No, but I think in the reign of Elizabeth.

197. Do you give any guarantee for the faithful discharge of the duties of the office?—Yes; myself in 2,000*l.*, and two sureties in 1,000*l.* each; I think that is the amount.

198. Mr. *Knight.*] Is your clerk paid out of the 270*l.* which you receive?—Yes, he is paid by me.

199. Mr. *Baines.*] Would any saving be effected by uniting the two offices, the First Fruits and the Tenths?—I presume there might be a saving.

200. Do you apprehend that any inconvenience could result from the union of these two offices?—I am not aware of any that could occur.

201. Are the First Fruits paid by instalments, or is the whole sum paid at one time?—Except in the case of bishoprics they are paid all at once.

202. And in the case of bishoprics how is it paid?—By four annual instalments; bishops give bonds to pay them.

203. Do you happen to know what is the amount of First Fruits paid by the Bishop of London on his being appointed to the see?—I cannot state it from memory.

204. Whatever the sum is, is it paid by instalments, or is it paid in one sum? By instalments; in fact all the bishops give bonds, because if they are translated or die before the instalments under the bonds become due, they are not liable to the payment.

205. To whom are those bonds given?—To the remembrancer.

206. Mr. *Cayley.*] Supposing a clergyman to come into possession of a living and to remain there for three quarters of a year, would the First Fruits for that three quarters of a year be demanded of his executor if he died?—I presume they would.

207. Or the whole year, if he died at the end of the first year?—Yes; the amount of the First Fruits would of course be the same.

208. Suppose he vacated a living of 500*l.* a year for another of 1,000*l.* a year, he would lose his 500*l.* without coming into possession of the 1,000*l.*?—No, but he would lose the amount of the First Fruits of both livings, as rated in the King's books, if neither were discharged.

209. How do you ascertain the value of a living; do the First Fruits go on any fixed value in any book?—The Liber Regis.

210. Why do you conceive there are more arrears of Tenths than of First Fruits?—I know there are hardly any arrears of First Fruits.

211. Lord *Dudley Stuart.*] Can you state the average annual amount of arrears of Tenths?—I do not think that any average can be given.

212. Mr. *Knight.*] How long have you held the office?—Since May 1828.

213. Mr. *Cayley.*] Have the First Fruits, in your experience, been more rigidly collected, or has there been no difference in the collection?—I am not aware of any difference.

214. You are not aware whether they are more or less rigidly collected than they were 100 years ago?—No.

215. Mr. *Duncombe.*] How much time do you give a clergyman to pay the First Fruits?—He is allowed three months.

216. And a bishop four years?—A bishop gives a bond.

217. You give a bishop four years?—He is allowed four years by Act of Parliament.

218. Mr. *Baines.*] How do you regulate the payment with the Bishop of Durham, because as that bishopric has been altered since the valuation was made in the time of Henry VIII., of course it cannot be taken according to the principle of that valuation; by what other valuation is it taken?—It is taken according to the principle of that valuation still, but two-thirds of it are paid by the Ecclesiastical Commissioners, and one-third by the bishop; the amount remains the same, I think.

219. Then the bishoprics of Ripon and of Manchester are not subject to the Tenths and First Fruits?—I think not.

220. Sir *Robert Inglis.*] In the event of the death of a clergyman in the first year of his incumbency, has your office any means of recovering the sum which might be due?—His executors would be liable for the payment.

221. Sir *H. Verney.*] Would his executors or the succeeding incumbent be liable?—The succeeding incumbent would be liable for his own First Fruits, not for those of his predecessor.

Mr. *George Gunthorpe*, called in; and Examined.

Mr. *G. Gunthorpe.*

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223. Mr. *Knight.*] I BELIEVE you are senior sworn clerk in the First Fruits Office?—I am.

224. And deputy receiver?—And clerk to the receiver.

225. Have you any thing to do with the Tenths Office?—Not with the Tenths Office; I have to do with the Tenths in arrear; they are two different offices.

226. Mr. *Duncombe.*] You are clerk to the remembrancer also?—Yes.

227. Mr. *Knight.*] What is your salary?—My salary is the fees which I receive under my appointment.

228. Out of what fund are those fees paid?—Out of the payment of the First Fruits; not out of the gross amount, but when a clergyman pays his First Fruits, he pays certain fees.

229. You are paid by certain fees which every clergyman pays on his First Fruits?—On his First Fruits, and likewise on his Tenths in arrear; likewise on arrears of First Fruits, and in regard to searches of the records; my emoluments arise from various sources.

230. Those are deducted from the sum that would otherwise go into Queen Anne's Bounty?—No; that sum would never go into Queen Anne's Bounty.

231. Why not?—Because we take the value as it stands in the Liber Regis, and add the fees to it.

232. Mr. *Philips.*] How is the fee calculated?—Upon the amount in the King's books.

233. What proportion does the fee bear to that amount?—No proportion, I should say.

234. Is it an arbitrary matter?—All under 40*l.* pay a certain fee; and all above pay more.

235. What is the fee?—Fifteen shillings to the clerk; and above 40*l.* it is, I think, 17*s.* for the clerk.

236. Mr. *Duncombe.*] I thought the remembrancer said it was 1*l.* 14*s.*?—That is the remembrancer's fee.

237. What is the whole amount of the fees paid?—The whole amount of the fees paid on every institution is 1*l.* 16*s.* 6*d.*; 15*s.* of that sum belongs to the clerk, and the rest goes to the remembrancer.

240. Mr. *Knight.*] Is that on all livings?—On all livings under 40*l.* a year, 15*s.*; and above that, 17*s.*, and the rest goes to the remembrancer.

241. Sir *Harry Verney.*] Do you receive a fee for the arrear of Tenths from the clergymen?—Not unless process is entered.

242. Then when a clergyman pays up his arrear he pays you a fee on the process being entered; what other fee does he pay?—He also pays the fees to the remembrancer.

243. And he also pays a fee to the Tenths Office?—No, that is only under certain circumstances; when he is in arrear, he pays it to the Tenths Office, and the Tenths Office hand the fee over to the remembrancer; the Tenths are due at Christmas, and payable till the last day of April; on the last day of April the Tenths Office write to the incumbent, stating that so and so is due, for which they charge a fee; then, if it is not paid before the first of June, they write another letter, to which they add their fee and the remembrancer's fee, and if it is not then paid, they are put on the non-solvent roll; we let them go on receiving till our writs are made out, and then they are to receive their fee, the remembrancer receives his fee, and I receive my fee for making out the writ and attending at the court of Exchequer before the Cursitor Baron to seal.

244. Mr. *Duncombe.*] What is the amount of the Tenths Office fee?—I can only answer you by saying I think it is half-a-crown.

245. Sir *Harry Verney.*] Do the Tenths Office get an additional fee by the clergyman being in arrear?—Half-a-crown.

246. Which they would not get if he paid it before he became in arrear?—Not if he paid it before the last day of April.

247. Mr. *Duncombe.*] For reminding the clergyman that he is in arrear, the Tenths Office gets half-a-crown?—Yes.

248. Mr. *Philips.*] Could you tell me the amount of the largest sum paid by any clergyman for the Tenths?—No, I cannot.

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249. Have not the Tenths Office been prohibited from reminding clergymen who have been more than one year in arrear, that they are in arrear?—They do not think it their duty; I do not know that they have been prohibited, but it interferes with the writs that are out, for if the Tenths Office were to write for the arrears, and there was a writ out at the time, the sheriff would be applying for the money very often after it was paid.

250. Do you mean to say that they received no hint from your office with regard to not reminding the clergymen that they are in arrear after one year has passed by?—Not from our office.

251. Not from yourself?—Not till lately, and then Mr. Arbuthnot said it would be better to write to the clergymen that their Tenths were in arrear, and if no attention was paid to that letter, then to issue the writ.

252. Was it not the custom some years ago in the Tenths Office to remind the clergymen that they were in arrear?—No; unless it was one year; never in my recollection; not for these 14 years, and more.

253. Do you not believe that it would be convenient to the clergymen to receive some notification that they were more than one year in arrear, and that if that course were adopted, it would reduce the amount of the non-solvent roll?—It would be a great convenience to the clergymen, provided it did not interfere with the issuing of our process.

254. Is it not your wish not to issue more processes than are absolutely necessary?—It is; but it becomes due on the last day of June, and the last day of term is in June, and we have got our writs to make out, and the non-solvent roll to make out.

255. Have you had any communication whatever with the Tenths Office as to not writing to the clergymen when they are more than one year in arrear?—I think, within the last six months, I saw one of the clerks on that subject, and I told him of the inconvenience that it would be to the office if he wrote.

256. The wish of the Tenths Office was to write to the clergyman, was it not?—I believe so.

257. Your wish was, that they should not be written to, because it might interfere with your desire to issue processes?—Not with our desire.

258. With your interest?—With our interest; we found it to be very inconvenient, because at the very time that we were about issuing process, or at the time the process would get to the sheriff, the Tenths Office letter would get to the clergyman, or very near upon it.

259. We will suppose you exchequered a clergyman for one year, and he may have paid you or not, what objection had you to the Tenths Office writing the following year to say that he is in arrear?—

260. Do you mean to say that they have not been prohibited from writing to them to that effect?—I do not exactly know that they have been prohibited; but it has been intimated to them that if they did so it would produce inconvenience and confusion.

261. Who gave them that intimation?—I gave the intimation to the clerk.

262. At whose suggestion?—My own; it was merely private conversation between me and the clerk; he did not say that he would write; but he asked what would be the inconvenience or difficulty.

263. Will you tell the Committee what inconvenience could result from it?—There would be this inconvenience, that there would be two applications, one from the Tenths Office, and the other from the sheriff, both of which would be made at the same time.

264. Has not a great inconvenience arisen to the vicars-choral of Salisbury in consequence of an application having been made to them for arrears, when it was discovered that they had been paid?—I do not think an application had been made to them for arrears.

265. Did they not complain that they had paid, but that the arrears had not been handed over by the First Fruits Office to the Tenths Office, and that owing to that circumstance they had been put to inconvenience, all of which would have been avoided if the Tenths Office had written to say that they were in arrear?—They came to pay the current year before they were in arrear; the Tenths Office could not write till after the last day of April which is now coming.

266. Somebody wrote to them to say that they were so many years in arrear; they said, "No, we are not in arrear, for we paid it into the First Fruits Office"?—I do not know who wrote to acquaint them of that; the arrears were paid over to the First Fruits Office.

267. They were retained by some one there, and not handed over to the receiver of the Tenths?—No.

268. And in consequence of this, which appears very much like an abuse, it appears a new arrangement has been made between you and Mr. Arbuthnot, by which the arrears are to be immediately paid over?—Yes, they are to be paid over every month. I do not know who could have made the application to the vicars-choral; the money was paid into our office, and the money was at our banker's.

269. Did they not make a complaint to the Archbishop of Canterbury in consequence of what had taken place?—I believe there was a complaint made to somebody.

270. And all this would have been avoided if the Tenths had the power of writing for their annual arrear?—They were not deprived of writing, for the annual arrear was not due.

271. Sir *Robert Inglis.*] It is due at Christmas; it is to be paid by the 30th of April, and if it is not paid by the 31st of May, you issue Exchequer process?—If it is not paid by the last day of April, the party is written to, and there is no process till June.

272. They have a month's grace?—Yes.

273. If nothing is done by the clergyman in the country by that time, you issue your Exchequer process?—Yes.

274. What is the harm of the Tenths Office writing in the year 1838 to tell a man that he is in arrear for the year 1837; you do not allow that to be done?—I cannot say that we do not allow it, but we object to it.

275. Mr. *Duncombe.*] The vicars-choral were exchequered by you?—Yes.

276. And they paid in consequence of the process?—No, because they were written to to pay the money up.

277. Then subsequently in another year they go to the Tenths Office to pay their Tenths, and the Tenths Office say, "We cannot receive it, for you are in arrear for a certain number of years before"?—I do not know what the Tenths office might say to them.

278. This gave rise to inquiry?—Yes.

279. The Tenths Office say, "We cannot receive your money for the last year, for we find you are in arrear so many years preceding;" the vicars-choral say, "No, we are not, for we paid it to the First Fruits Office;" and it turns out the money has been paid to the First Fruits Office; so that they were not really in arrear at that time?—They were not in arrear, neither should the clerk have said that they were in arrear, for he was perfectly aware that the money was at the banker's.

280. How much did that amount to?—Between 120*l.* and 180*l.*

281. Mr. *Knight.*] What is the present amount of arrears in the Tenths Office?—I do not know.

282. In the First Fruits Office?—There are very few; there are perhaps four or five years' arrears for 4*s.* 4*d.*

283. Sir *Harry Verney.*] Mr. Duncombe elicited a reply from you that you had given an intimation to the clerks of the Tenths Office not to inform the clergy when they were in arrear for more than one year; I want to know whether such information not being given affects the pecuniary interests of your office in any way, whether any of you gain any additional fees in consequence of this information not being given?—I should say decidedly not, because every sum that is in arrear, of course the remembrancer is entitled to a fee on it, and therefore when it gets into arrear, whether they give them intimation that it is in arrear, or whether we intimate it, the fees are not increased.

284. Is there not a fee for every year that it is in arrear?—To the remembrancer, but not to myself.

285. That fine to the remembrancer would be avoided if the clergyman was apprised of it?—If he paid up his tenths.

286. Have you not in point of fact interfered with the clergyman's receiving that intimation?—Not further than I state.

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287. Have you not prevented the clergyman from receiving an intimation of there being a number of years in arrear, which interference puts a certain number of fees into your pocket?—It would not put any more into the pocket of the remembrancer; if there were five years in arrear, the remembrancer would be entitled to five fees, and whether the Tenths acquainted them, or whether the First Fruits acquainted them, would make no difference.

288. Mr. *Knight.*] The more years there are in arrear the better for the remembrancer?—Yes.

289. Mr. *Duncombe.*] And the more Exchequer processes there are issued the better for the remembrancer?—Not exactly.

290. But for somebody?—Yes.

291. For yourself?—Yes; not every Exchequer process, for if the money is not levied, of course there is no fee paid; if I were to issue a dozen Exchequer processes, and they were all nilled, there would be no fee upon them.

292. Sir *Harry Verney.*] Is there no fee on the issuing of the Exchequer process?—No, not unless it is levied; there is a fee upon every arrear, but unless it is levied, there is no fee to the clerk.

293. Sir *Charles Lemon.*] To whom does that fee go?—They "nil" it, and it goes on for a number of years; there are several where it has gone on for six years.

294. That is, that there are no assets?—Yes, no assets.

295. Sir *Harry Verney.*] You have interfered to prevent the clergy from receiving an intimation that they are in arrear; you gave an intimation of that kind?—They never did write to acquaint them of the arrears; I never remember an instance of such a thing as writing to acquaint them of arrears.

296. Mr. *Duncombe.*] For your own convenience you made that intimation to the Tenths Office?—We were talking, and I said, "the better way will be not to interfere, because it will throw us into confusion;" and there was an instance where the Tenths Office once wrote to a clergyman, in Cornwall, I think, and at the same time there was a writ out by the remembrancer to the same place; the consequence was, the clergyman came to town, and he made a piece of work at our office at our having issued a writ against him, when he had received a letter from the other office demanding payment.

297. Would not such an intimation prevent the accumulation of fees?—Yes; for the money would be paid, and there it would cease.

298. Mr. *Baines.*] Supposing a clergyman to be in arrear, do you issue a process at the end of the year against him, for the recovery of the sum that is due?—If it is a large sum, 3 *l.* or 4 *l.*, we do; but if it is only 2 *s.* 2 *d.* we do not.

299. If it is a sum sufficient to issue a process on, you issue one?—Yes.

300. Then he comes to the knowledge that he is in arrears, and that those arrears not being paid, he is liable to incur expense for neglecting to pay them?—Decidedly.

301. Then he cannot at any time be ignorant of that: if you have informed him by this process at the end of the year 1836, that he was in arrear for the year 1835, it is not necessary, as I should conceive, to write to him again at the end of 1837, to say that he is in arrear for 1836, because it must be within his own knowledge?—We consider it so.

302. Would not a certain inconvenience arise, if you were to write to him for this money which is in arrear, at the time that a process is in the hands of the sheriff, or whoever the process is with, for the recovery of that money, for then there would be two parties applying for one sum?—That is what I wished to be understood; that was my meaning.

303. Mr. *Duncombe.*] The clergyman is exchequered, and in consequence he pays the money into your hands; you omit to pay it over to the Tenths Office, which still continues the clergyman in arrear, and in consequence of this prohibition, and of your retaining the money, it goes on two or three years, and he does not hear that he is in arrear again till two or three years afterwards?—If we did not pay the money over, it might occur, but the money is paid over before the current year has expired.

304. But there was the case of the vicars-choral of Salisbury, you know?—That was not in arrear, because the money was paid over to the Tenths Office, and the current year was paid without any arrear upon it.

305. But

305. But you detained it in the First Fruits Office above a twelvemonth?—Not a twelvemonth, for nine months, perhaps; but it was always usual with the First Fruits Office to pay over the money between January and March.

306. The Tenths Office could not write under that prohibition, to apprise the clergymen that they were in arrear for the current year?—Yes, they had every opportunity; 1835 and 1836 we will say is paid; 1837 does not become due before the last day in April. Now it is of no consequence when 1835 or 1836 is paid, if it is paid before the last day of April to the Tenths Office, because then the Tenths can write for the current year.

307. But the Tenths Office cannot write to remind the clergyman that he is in arrear for the current year?—They would have done so, only the money would have gone up.

308. But there are cases where the money has not gone up?—In this case it was paid over before the current year could go into arrear. The current year for 1837 was never in arrear, because it would not come into arrear till the last day of this month. You suppose that in consequence of the money being in the Frist Fruits Office it prevented them writing in 1837; but it does not, because the money was paid over and the current year was paid.

309. If so, what ground of complaint had the vicars-choral?—They had no ground of complaint at all.

310. But they made a complaint of some sort?—They made a complaint that the money was paid over to us, and that we had not paid it over to the Tenths Office; but it did not prevent the current year from being received.

311. But the Tenths Office refused to receive it, saying, "You have not paid up your arrears?"—I believe they said, "You must go and get a certificate." For instance, there is a tenth now received this month, and we gave them a certificate; and in this identical case the business was for the gentleman to come down to the First Fruits Office and ask for a certificate, which certificate the Tenths Office retain in their hands till the money is paid over.

312. That is what he ought to have done, but what did he do?—He came down to the office, I believe, and did the very thing.

313. What had he done before?—He had gone up to the Tenths Office to pay the Tenths, and then he came down to me to know if it was paid. I told him yes, and I think I gave him a certificate to the Tenths Office, and he went away making no remark to me.

314. That shows that the old arrears were not paid over till the sum due for the current year was in point of fact due?—It was due, but it was not in arrear.

315. Sir *H. Verney.*] Can it happen that a clergyman being appointed to a living inherits the debt for the Tenths not paid by the former incumbent?—The Tenths are a charge upon the living, and the Act of Parliament says, that the successor shall be liable to the Tenths of his predecessor; and he has a good action against his executors, administrators and assigns.

316. But in case of the late incumbent dying insolvent, I want to know whether the incoming incumbent is liable to pay up the Tenths?—Under the Act of Parliament he is liable to pay up the Tenths.

317. Mr. *Philips.*] If there are no assets of his predecessor?—Yes.

318. Sir *H. Verney.*] Does an incumbent on being appointed to a living receive any intimation of any such debts being due, or could it happen that a person appointed to a living in respect of which there were four or five years' arrears due, would never receive notice of the existence of those arrears?—No.

319. Who would inform him that there were such arrears?—The sheriff.

320. Mr. *Greene.*] Through the means of a process?—Through the means of a process.

321. Is a clergyman ever informed by your office that he is so in arrear?—No, he is not, except through the sheriff.

322. Mr. *Philips.*] Can you tell me what proportion the fees bear to the amount of money collected?—No, I have no idea.

323. You have no idea whether it is half, or what?—No, I have no idea.

324. Do you think it is half?—No, not a fourth, I should think.

325. Do you know what is the amount collected?—Between 4,000*l.* and 5,000*l.*

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326. Mr. *Cayley.*] Upon what data do you say it is not more than a fourth?—The average of 10 years from 1825 to 1834 inclusive.

327. Mr. *Philips.*] You have stated a sum of 5,000*l.*; is that the amount of First Fruits?—The First Fruits are between 4,000*l.* and 5,000*l.* a year.

328. And what is the annual amount of fees?—About 800*l.* or 900*l.*

329. Sir *C. Lemon.*] Is that in respect of the First Fruits only?—No, not taking the First Fruits alone, but generally.

330. Mr. *Philips.*] You have stated the annual amount of First Fruits; will you now state what is the annual amount of Tenths?—That I cannot say.

331. You think the fees are from 800*l.* to 900*l.*?—Yes, upon everything; that is, upon the different things I have mentioned.

332. Sir *H. Verney.*] That is, Searches, First Fruits; what else?—Exchequer processes.

333. Sir *C. Lemon.*] You are, I believe, the sworn clerk to the remembrancer?—I am sworn clerk to the remembrancer's department in the Court of Exchequer.

334. Then as the remembrancer's clerk, it is your duty to keep an account of all the First Fruits and Tenths that are due?—No, not of the Tenths; of the arrears of Tenths. I have nothing to do with the Tenths Office.

335. According to the patent, it is the office of the remembrancer of First Fruits and Tenths?—Yes.

336. Surely then the remembrancer keeps an account of the First Fruits and Tenths?—No, it is a separate office.

337. Has the remembrancer, then, another set of clerks?—The remembrancer has not; but the remembrancer is remembrancer of First Fruits and Tenths, because he is an officer of the Court of Exchequer, and there would be no one to issue process for the recovery of Tenths unless he was both.

338. In point of fact, he keeps the accounts of the First Fruits generally?—Yes; he keeps no account of the Tenths, but in respect of the arrears.

339. Then the 800*l.* a year, you speak of as fees, relates merely to the management of First Fruits and arrears of Tenths?—The remembrancer's and clerk's fees.

240. The remembrancer's clerk's fees are paid entirely with reference to First Fruits and arrears of Tenths?—Yes, and searches among the records.

341. So that with respect to the management of the Tenths there are other fees paid also?—That answer will better come from the gentlemen in the Tenths Office; we have nothing to do with it.

342. In your capacity of clerk to the receiver, are you paid by fees there also?—No, I am not.

343. You are paid by salary?—I am paid by salary.

344. What is the amount of it?—Twenty pounds a year is allowed by the patent.

345. Is there any other source of revenue?—The salary is more than that to me; that is a private salary; I do not know whether I ought to be called upon to state that.

346. In point of fact, there is a private arrangement between you and the receiver with respect to salary?—Yes, there is.

347. Mr. *Duncombe.*] Is that arrangement founded on the receipt of fees?—No, not at all.

348. What is the amount of the fees you receive annually from the Exchequer processes?—I really cannot answer that question.

349. Is it 100*l.* a year?—I should think it was.

350. Sir *Harry Verney.*] Is it 200*l.* a year?—I should think not.

351. Mr. *Knight.*] How often do you pay over the money you have received to the Treasury?—Mr. Arbuthnot pays it over to the Exchequer every three months.

352. How long may it remain in your office?—It does not remain in my hands a day; I receive it to-day, and go and pay it to the bankers immediately.

353. To whom do you pay it?—To Brookes & Dixon, the bankers.

354. Whose bankers are they?—Mr. Arbuthnot's.

355. Is it by order of the board that you pay it there?—No; it is paid in there because Mr. Arbuthnot is to pay the money in according to the patent every three months, and the money must be somewhere during those three months.

356. In point of fact, it is at the bankers'?—In point of fact, it is in Mr. Arbuthnot's account at the bankers.'

357. And how long has this been the custom?—I will answer for these 14 years; but long before that.

358. Then it has been the usual custom so to do?—Yes, to pay it into the bank at once.

359. The First Fruits as well as the arrears of Tenths?—No; it is only a late arrangement to pay the tenths in to Mr. Arbuthnot's account.

360. Sir *H. Verney.*] How late was that arrangement made?—I think before Christmas.

361. Mr. *Duncombe.*] Who retained the money?—The money was at the bankers' till we got our list out.

362. Mr. *Greene.*] Has there been any, and, if any, what variation in the practice of writing to clergymen to inform them of arrears since you came into the office?—None at all.

363. Has there in the Tenths Office?—I do not think that there has been any; I am sure there has not been in ours; I may be allowed to mention to the Committee that Elizabeth discharged all vicarages under 10*l.* a year from First Fruits and not from Tenths, and discharged all rectories under 6*l.* 13*s.* 4*d.* from First Fruits, but not from Tenths; Queen Anne discharged all livings under 50*l.* from First Fruits and Tenths; 50*l.* was according to the valuation in the time of Anne, and not according to the valuation in the Liber Regis. I wished to set that right, because I thought Mr. Arbuthnot was wrong in that respect.

364. Sir *C. Lemon.*] Was the discharge in Queen Elizabeth's time with reference to the Liber Regis?—Yes.

365. Mr. *Duncombe.*] Are there any bishoprics exempted from First Fruits?—Not one; when I say not one, there are two; Ripon, for instance, is not charged with First Fruits.

366. The dean and chapter are, I suppose?—The dean remains the same.

367. There is no bishopric exempted?—Not one; some of them are discharged from Tenths.

368. Which bishoprics?—Canterbury, London and some others.

369. And Norwich?—I could not tell unless the books were here.

370. Mr. *Baines.*] As the value of these livings was fixed in the time of Queen Anne, was there a valuation made at that time?—There was this sort of valuation made: a writ went out for the bishops to certify into the Exchequer all livings under 50*l.* a year; the consequence was, that this or that living was worth 39*l.* 10*s.*, or 50*l.*, or whatever it might be; they certified the name of the living and the amount against it into the Exchequer.

371. Did they certify any other livings than those below the value of 50*l.* a year?—No.

372. Is there any return to be found of those livings that they did certify in any detached form?—No, we have them all together; we have the original survey, if I may so call it, or the original return made to the Exchequer in the time of Queen Anne.

373. Is it printed?—It never has been printed that I am aware of; it is in a very excellent state of preservation.

374. Mr. *Cayley.*] Are you aware whether the alteration in the time of Queen Anne increased or decreased the number of livings?—It decidedly diminished them; I should say it diminished them nearly one-half.

375. Mr. *Duncombe.*] I believe there are about 4,000 livings exempted, are there not?—Yes.

376. Mr. *Cayley.*] Can you state what a living estimated at 10*l.* in the King's books would be estimated at in Queen Anne's time?—I cannot by any possibility do that; there is a prebend in St. Paul's Cathedral that pays a certain sum for First Fruits, and there is nothing derived from it; then, again, there are others discharged which are very valuable livings.

377. Mr. *Baines.*] By what title is the document known in your office, which you speak of as being in good preservation?—"Certificates of all Ecclesiastical Livings not exceeding the yearly value of 50*l.* returned into the Court of Exchequer by virtue of an Act of Parliament of the 6th of Anne."

378. Mr. *Knight.*] At your office, whose duty is it to inform you officially of any new induction to a living?—The remembrancer issues a writ from the Ex-

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chequer, calling upon the bishops to return the names and surnames of all and every spiritual promotion.

379. How often does he do that?—Every six months; but the returns do not come in every six months, sometimes they remain for 12 months.

380. It is the duty of the bishops' secretaries to make that return?—Yes, it is in obedience to an Exchequer writ.

381. You take no more notice of them till they become in arrear?—Till the return comes to the office we cannot know, unless they voluntarily come to pay their money; and then when the return comes we examine it, and write for those which we select from those which are under value and which are discharged.

382. You do not write till they become in arrear?—No; but then we do not issue any process.

383. The Treasury or Exchequer issues a writ to the bishop?—The Exchequer; it is sealed with the Exchequer seal.

384. And then they are bound to furnish a return?—Yes, of all institutions.

385. Mr. *Greene.*] Have you any documents in your office which will show those livings, the tenths of which are not paid to the Tenth Fund?—Yes, the 26th of Henry VIII. will show that, with reference to the certificate of Anne.

386. The fact is, that the Tenths and First Fruits of some livings are not payable into Queen Anne's Bounty?—They are not payable to the Tenths Office.

387. The Tenths of all livings are not paid to the Tenths Office?—No.

388. In the see of Canterbury they are paid entirely to the archbishop?—There are about 24 that pay to the Crown, and the rest to the archbishop.

389. And of course, those that are paid to the archbishop remain exclusively with him?—Yes; that is, as I understand, because there were lands alienated from the bishops to the Crown, and these Tenths were given up in lieu of those alienations; I believe that to be the case, but I cannot state it positively.

390. Can you produce from your office any documents respecting that?—No, I cannot.

391. Can you not show from any documents in your office, what number of livings there are that pay their Tenths to other sources than to the Tenths Fund?—No; the Tenths would better do that.

Mr. *William Bridges*, called in; and Examined.

Mr. *William Bridges.*

392. Mr. *Knight.*] I BELIEVE you are one of the clerks of the Tenths Office?—I am.

393. You are acquainted with Mr. Venables?—Yes.

394. He is receiver, is he not?—Yes.

395. Is he very unwell?—Yes; I asked his banker on Saturday, and he said he was in a very precarious state, and not likely to return. I fear there is no hope of his life.

396. Mr. *Philips.*] Do you know what his salary is?—Three hundred pounds a year, and about 120*l.* from fees. It is about 120*l.* on an average; 6*d.* for every receipt given to a clergyman.

397. Mr. *Knight.*] The fees are paid by the clergymen?—Yes.

398. And the 300*l.* from what source?—That is from Queen Anne's Bounty Office.

399. Are you aware what other appointments Mr. Venables holds?—I believe that he holds two, but I am not certain. I do not know what they are; I think one is paying the police magistrates.

400. Are you aware he is a clerk in the Home Office?—Yes.

401. Are you aware that he is Deputy Clerk of the Signet?—No.

402. Are you aware he is receiver of the police?—I think that is his situation.

403. In short, he has three offices besides?—I am not certain.

404. Is it a patent place?—Yes.

405. Is it a patent for life, or during pleasure, or what?—For life, I believe. It was given to him by Sir Robert Peel when he was private secretary to him.

406. In whose gift is it?—In the gift of the Home Secretary; it was given by Sir Robert Peel when he was in office; it is a patent place.

407. Mr. *Cayley.*] Are you sure it is for life?—I believe it is.

408. Mr. *Knight.*] What are the duties of his office?—In receiving the Tenths from the First Fruits Office, as receiver of Tenths.

409. Were they not paid to him in the first instance?—Yes, the arrears of Tenths I should say; that is, they were paid to his clerks. They were paid to his credit until the account was settled and the money paid over into the Exchequer for the purpose of Queen Anne's Bounty.

410. Then the Tenths themselves, he was the receiver of them too?—Yes, he was receiver of Tenths.

411. And of arrears of Tenths also?—Yes, and arrears of Tenths also; after a time we return them into the Exchequer, and through that office they pay us over the arrears.

412. The Tenths you receive directly, of course?—Yes.

413. And the arrears indirectly?—Yes, the Tenths become due at Christmas, and they are to be paid before the last day in April; then they become clerical defaulters; and we have from the latter end of April to the 1st of June to make out a non-solvent roll stating who are in arrear; during that time if the clergy come and pay a fee of half-a-crown, we erase them from the non-solvent roll; and those who do not send before the signing of the non-solvent roll by the Chief Baron of the Exchequer on the first of June, are returned non-solvent.

414. And then you deliver them over to the First Fruits?—Yes; still going on in June to receive with their authority till seal-day, with the Exchequer fee annexed to each, to prevent an Exchequer writ from being sent out; it stops further proceedings.

415. Sir *Robert Inglis.*] Up to the end of May you receive only half-a-crown?—Only half-a-crown after that time, with the Exchequer fee, till seal-day.

416. Sir *Harry Verney.*] How much is that?—Five shillings and eight-pence, I think.

417. After seal-day comes the process?—Yes; but they have not sometimes time to issue all the writs, and it passes over for a year very often before all the writs are made out.

418. Sir *Robert Inglis.*] You write a letter to each defaulter, and the half-crown you receive is a fee for having written such a letter?—Yes, or erasing their names from the non-solvent roll.

419. Mr. *Duncombe.*] When do you begin to apprise the clergyman that he is in arrear?—On the first of May; it ceases before the last day; if any one comes upon the last day, we still charge them the fee, for we have already begun to make out a rough non-solvent roll, which is the same trouble to us, because it is turned over to an ingrosser to finish.

420. And the clergyman has till the last day of June to pay up his arrears?—Yes, with half-a-crown.

421. Supposing the clergyman is still in arrear the following year?—Then we are not allowed to write, by an order from the clerk of the First Fruits Office, with what authority I know not.

422. How do you mean you are not allowed?—Previous to his coming into office, I did.

423. Previous to whose coming into office?—Previous to Mr. Gunthorpe coming into office; the arrears were only 27, and now they are 220, owing to the accumulation of arrears from our not being allowed to write when more than one year is in arrear, and then they accumulate two, three, four, five and six years.

424. Who communicated that prohibition to you?—Mr. Gunthrope; nobody else.

425. What did he say to you?—He said, "you must not write to any defaulter that is more than one year in arrear."

426. Sir *Harry Verney.*] How long ago was this?—This has been going on these eight years.

427. Was it in writing or in conversation?—In conversation.

428. Mr. *Duncombe.*] How long ago; one year ago, or eight years?—Three or four years; more than five years ago.

429. Mr. *Knight.*] What reason did he give you for it?—Because it would lessen the amount of arrears; if I wrote to a clergyman, he would come and pay for the present year, and there would be no non-solvent roll go out this year; he having paid up the present year, the arrears are left to be charged by the First Fruits Office, which we have nothing to do with.

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430. What was Mr. Gunthorpe's objection?—It was, that it decreased his fees.

431. Mr. *Philips.*] In what way does it decrease his fees?—The present year would not go into the Exchequer, and, therefore, there would be a decrease of fees.

432. Mr. *Duncombe.*] Have the clergymen complained of that?—Yes; that 5*s.* 8*d.* he would cease to pay, besides the sheriff's fee, if he paid me 2*s.* 6*d.*; some of the Tenths are 7*s.* 6*d.*, and upon that there is the same Exchequer fee as if it was 200*l.*

433. Mr. *Knight.*] Then you lose 2*s.* 6*d.* by this?—Yes, I lose 2*s.* 6*d.* by it.

434. Sir *Harry Verney.*] The clergyman has to pay 2*s.* 6*d.* if he is informed by you, and if he is not informed, how much has he to pay?—I cannot say for a certainty.

435. A great deal more?—Yes, after the 1st of June I receive an Exchequer fee of 5*s.* 8*d.*, and my 2*s.* 6*d.*; if they do not attend to that, they then have to pay an Exchequer writ as well, and the sheriff's officer; so that they save 2*s.* 6*d.*; the Exchequer fee, and the Exchequer writ too.

436. Would there be any material inconvenience in the Tenths Office informing clergymen when they are in arrear?—No, but I have had letters proving their great desire to be informed.

437. Mr. *Baines.*] Supposing a process to be issued against any clergyman for the recovery of his fees, and supposing you to write a letter to him, stating there were certain fees in arrear, would there not be at one and the same time a process going on against him for the recovery of his arrears, and an application from you to obtain them through the regular medium of the office, so that the sheriff would be interfered with in his application to the clergyman for the payment of the arrears that were due?—We only write for that which has not been returned into the Exchequer; we only want to write for that which is for the present year. Now next week they are in arrear, we write for that year. We do not write for those that have been returned into the Exchequer. We do not return the arrears for this year till June.

438. Mr. *Duncombe.*] Till within what period were you in the habit of writing annually to clergymen for arrears?—Soon after I came in, ten years ago, Mr. Gunthorpe spoke of it; and my senior clerk, who is very ill, said, "For peace and quietness do not let us do it." Now I find, in consequence of some odious letters coming from clergymen, they have complained that they have not been apprised of the present year as they used to be formerly.

439. I thought you said it was three or four years ago that Mr. Gunthorpe told you not to apprise them?—Yes.

440. Up to that time were you in the habit of writing?—Previous to that time I did not write; for my senior colleague said, "For peace and quietness let us not interfere with their office."

441. Whom do you call your senior colleague?—Mr. Griffiths, who is very ill.

[*The Witness delivered in a Certificate, signed by Dr. Roots, stating that Mr. Griffiths was so seriously ill as to render it unsafe for him to attend before the Committee.*]

442. Mr. *Duncombe.*] There was no occasion, was there, for any interference with your Office on the part of Mr. Gunthorpe?—No; they were in the habit of writing previous to Mr. Gunthorpe's coming into office.

443. You say you had a communication with him three or four years ago?—Yes, in consequence of his finding that I wrote to some clergyman who was in arrear for more than one year. That brought up a letter from the clergyman to Mr. Gunthorpe, and he came to our office for the purpose of explaining to me that I had no authority to write to any clergyman being in arrear more than one year. I therefore stopped it for peace and quietness.

444. Sir *Harry Verney.*] Before you received that intimation from Mr. Gunthorpe, it was your practice to inform clergymen?—Yes.

445. Mr. *Duncombe.*] Did you remonstrate against that, saying it would be more agreeable to the clergy to be informed?—I do not know that I did.

446. Mr. *Philips.*] Suppose a clergyman is two or three years in arrear; next year his Tenths are due; do you write to him for those Tenths between April and June, or does his being in arrear take his whole account out of your hands?—Yes.

447. That is, if he is in arrear for two or three years, you cannot write for the next?—Ten years ago the arrears received from the sheriff through the First Fruits

Fruits Office to us were only 27 entries, the amount of which was only 45*l.* Since this affair has been stopped, this last year, 1836, the number of entries is 220, the amount of which is 541*l.* instead of 47*l.*

448. Mr. *Duncombe.*] To what do you attribute that?—To the accumulation of arrears in consequence of our not being allowed to write when more than one year is in arrear.

449. Mr. *Knight.*] What is your salary?—One hundred pounds a year.

450. From whom do you receive that?—From the Bounty Office.

451. Do you know what Mr. Griffiths's salary is?—One hundred pounds a year.

452. Which he equally receives from the Bounty Office?—Yes.

453. What bishoprics are discharged from the payment of Tenths?—The Archbishop of Canterbury pays nothing; the Bishop of London nothing; the Bishop of Norwich nothing; the Bishop of Worcester nothing; the Bishop of Bath and Wells nothing. I am not quite certain of any other. I have sent in a correct return to the House.

454. Sir *Harry Verney.*] Have you any fees?—Yes.

455. What are they?—Half-a-crown for writing a letter.

456. When do you write that letter?—The 1st of May, but if they are returned we lose that fee.

457. How many letters does every incumbent receive before his name appears on the non-solvent roll?—One.

458. Written when?—Between the 1st of May and the last.

459. What Office writes that letter?—The Tenths.

460. Whether he is in arrear or not?—When he is one year in arrear we send two letters, one is before they are returned, and the second is, stating that they are already in the Exchequer, but upon their paying the Exchequer fee it prevents further proceedings.

461. But if they are already in arrear they get neither of these letters?—No, they get none of them. There was a clergyman presented the other day to a living with ten years' arrear; he complained, and said that he should not take the living; he said, "here are eight or nine years' arrears for me to pay, which should have been recovered from my predecessor."

462. Mr. *Knight.*] From what livings are Tenths due?—There are not half in the kingdom that pay; they are not chargeable.

463. Is it not the fact that all livings that are not discharged in the Liber Regis pay Tenths?—Yes.

464. And by the Act of Queen Anne?—Yes.

465. All livings that are not discharged from the Liber Regis, and that are not exempted by the Act of Queen Anne, pay Tenths?—Yes.

466. Do you know the number of livings that pay Tenths?—Not exactly, but about 4,000 I think.

467. You must know it by the records of your office?—We have those that never pay them, and never did pay; we make out receipts for the see of Canterbury; we make out about twenty-three receipts, and there are only three that pay, and therefore we are filling our drawers with receipts that never pay.

468. Sir *Charles Lemon.*] Have any livings been discharged since the time of Queen Anne?—No.

469. In the return made by the bishops, it is stated that about 4,000 livings were discharged; as there are between 10,000 and 12,000 livings, I suppose by far the larger proportion must still continue to pay?—Yes, about 4,000.

470. Mr. *Duncombe.*] You give receipts for monies that you never receive?—We make them out and lay them by; we have got drawers full of them, 20 or 30, I suppose.

471. Do you consider those livings in arrear?—We enter them in the non-solvent roll, though they never pay.

472. Payment is not enforced by Exchequer process?—No, they are only entered as dead arrears.

473. Are those very poor livings?—I do not know.

474. Mr. *Cayley.*] Can you give the names of those livings which do not pay, but for which you make out receipts?—[*No answer.*]

475. Is no demand made for payment?—No.

Mr. *William Bridges.*

24 April 1837.

476. How did that originate?—I do not know.

477. Mr. *Duncombe.*] Is that the case with any bishoprics?—No.

478. Mr. *Baines.*] Can you furnish the Committee with a list of those livings for which you make out receipts for money received, and for which there never is any money paid?—On the non-solvent roll there are a great many of them—the worship of the Cross, so much; there are the vicars-choral of Lincoln, 23*l.*; they are entered on the non-solvent roll, but never pay.

479. Mr. *Cayley.*] According to your statement, your Office, or the person in your situation, has been in the habit of writing out receipts for the payment of these charges for the last 100 years, never having really received any payment?—Never.

480. What is the amount you annually receive?—I believe, between 9,000 *l.* and 10,000 *l.*

481. Do the livings that do not pay form a large proportion of the whole?—I should not think they did; they are very small sums, indeed; some 1 *s.* 6*d.*, some 3 *s.* 6 *d.*, and so on; there are three or four rather large, 20 *l.* and 18 *l.*, and so on; but they are very small sums, many of them.

482. What proportion do these non-payments bear to the whole payments?—Not much.

483. Do they form a 10th, or a 20th, or 30th?—No, a very small proportion.

484. Mr. *Duncombe.*] I think you say Mr. Venables' salary is about 300 *l.* a year?—Three hundred pounds a year, and about 130 *l.* fees.

485. When in health, does he transact business daily at your office?—No, we go to him.

486. How often?—He has been at the office about four times since I have been there; about four times in eight years.

487. How often do you go to him?—About twice a year, and whenever we have any query to be answered from the Audit Office, if he is well enough I go up to him, and tell him how to answer.

488. Are you appointed under him?—I am appointed deputy receiver while he is ill; when he has been out of town I transacted his business.

489. In whose gift is your appointment?—The Bounty Office, I believe.

490. Mr. *Knight.*] I thought the remembrancer appointed clerks to your office?—No, Mr. Venables appointed me through the receiver of Tenths.

491. Who appointed Mr. Griffiths?—When Mr. Baron Richards was receiver he appointed him.

492. The clerks in the Tenths Office are in fact appointed by the receiver?—Yes.

493. Mr. *Duncombe.*] And the whole of the working duties are performed by you and your colleague?—Yes.

494. And have been for many years?—Yes.

495. Have you the duty of making out the returns that have been ordered by the House of Commons?—I dare say it will cost as much as 10*l.* or 11*l.*, and out of 100*l.* a year I could not pay it. It is in fact copying the Liber Regis.

496. Why should not Mr. Venables pay that?—He would expect his clerks to do it.

497. Do you give him security?—Yes.

498. In how much?—I am not quite certain, but I think it is 1,000*l.* each.

499. Mr. *Baines.*] You are not in Queen Anne's Bounty Office?—No, Mr. Gunthorpe thinks we belong to the Crown, but it is a distinct office by which we only pay the money into the Exchequer, and it is taken out again the next day.

500. Has there been any advance in the clerk's salaries within a few years past?—Within how many years?

501. Within the last ten years?—No, none; and I have been there just ten years.

502. The salary has remained the same?—Yes.

Mercurii, 26° die Aprilis, 1837.

MEMBERS PRESENT.

Sir Harry Verney.	Mr. Cayley.
Mr. Baines.	Mr. R. Clive.
Mr. W. Gladstone.	Mr. Stuart Wortley.
Mr. Duncombe.	Lord Dudley Stewart.

HENRY GALLY KNIGHT, ESQUIRE, IN THE CHAIR.

Mr. *George Gunthorpe,* called in; and further Examined.

Mr. *G. Gunthorpe.*

26 April 1837.

503. *Chairman.*] DO you wish to make a correction in your former evidence?—I wish to state that the gross amount taken from the clergy upon every payment of First Fruits under 40*l.* in the King's books is 1*l.* 16*s.* 6*d.*, of which a guinea is the remembrancer's, and 15*s.* 6*d.* the sworn clerk's; and above 40*l.* in the King's books, it is 18*s.* to the clerk, and 2*l.* to the remembrancer.

504. What is the annual average number of institutions to the livings paying First Fruits?—I cannot answer that, unless I had the book before me.

505. Will you furnish the Committee with a statement of the average number for ten years?—I will do so.

506. Is it the remembrancer that directs the bishops to send in twice a year, the number of institutions?—The remembrancer issues his writ under the seal of the Court of Exchequer, for the return of all institutions during the six months from April to October.

507. How often does he issue that writ?—Twice a year; and in consequence of that Exchequer writ, the bishop makes his return to the Barons of the Exchequer, and it is sent to our office instead of to the Barons; our office being a branch of the Exchequer, the secretaries are well aware that if they take it to the Exchequer they will send it to our office.

508. You were desired at the last sitting of the Committee, to produce the original of the valuation of discharged livings made in the time of Queen Anne; do you now produce that document?—I do—[*producing the same.*]

509. In what office is that lodged?—In the office of First Fruits in the Court of Exchequer.

510. Is the copy of this record contained in the publication under the title of Bacon's Liber Regis?—It is.

Mr. *John Geesin,* called in; and Examined.

Mr. *John Geesin.*

511. *Chairman.*] ARE you junior clerk in the office of First Fruits?—I am.

512. What is your salary?—Between 100*l.* and 200*l.* a year; I could not say exactly.

513. It is a fluctuating salary?—It is; it averages 120*l.*, I should say; it may be a little more or a little less.

514. Arising from fees?—From fees.

515. Will you describe the nature of the fees?—Fees upon the bishop's signature; part of a post diem fee of 7*s.*

516. What is that?—A fee of a guinea upon arrears after three months; the office give three months, and after that time there is a post diem fee of a guinea put on, of which I have a third.

517. Is there any thing else?—No.

518. By whom are those fees paid?—By the clergy, if they do not pay within the three months.

519. By whom is the fee upon the bishop's signature paid?—By the bishop.

520. What are the duties of your office?—Assisting in making out process and examining the returns, and entering.

521. Making out process in case of being in arrear?—Yes, and keeping the remembrancer's accounts.

Mr. *John Geesin.*

26 April 1837.

522. Does Mr. Gunthorpe share the trouble of keeping the remembrancer's accounts?—No; he has his own department entirely.

523. Is all your time occupied at the Board of First Fruits?—The whole of it.

524. All the year round?—All the year round.

525. How many hours in the day does it occupy of your time?—From ten till two; those are the regular office hours.

Mr. *W. Bridges.*

Mr. *William Bridges*, called in; and further Examined.

526. Mr. *Duncombe.*] HAVE you seen the Return which has been made to Parliament of the receipts of the Tenths and First Fruits in the last five years?—Yes.

527. One year there is only 3,675*l.* stated as received; you were understood to state that the average of your receipt was 9,000*l.* a year; is that a mistake?—Yes, it must be a mistake.

528–9. How do you account for it?—I cannot say.

C. Hodgson, Esq.

Christopher Hodgson, Esquire, called in; and Examined.

530. *Chairman.*] ARE you secretary and treasurer of the Board of Queen Anne's Bounty?—I am.

531. Do you hold any other appointment or situation?—Only of a private nature. I am a solicitor, a professional man, and I have other professional business.

532. Do you carry on your profession as a solicitor?—I am secretary and solicitor to the Archbishop of Canterbury and the Bishop of London, and to the Chapter of St. Paul's.

533. And to the Archbishop of York?—Partially so.

534. You do the business of a solicitor for them, but you do not carry on the profession of a solicitor generally?—No, I do not. That was the agreement when I undertook the situation.

535. Then, in fact, your time is entirely filled up by your attention to the fund of Queen Anne's Bounty, and what you have mentioned?—Yes, I am constantly in attendance every day.

536. Does it occupy you the whole year round?—It does; I scarcely ever have a holiday.

537. What are the official hours?—From ten till four, constantly.

538. So that your time is occupied the whole year round, from ten till four, in the objects you have mentioned?—It is.

539. How long have the offices of secretary and treasurer been united?—In the early part of 1831. The patent is dated the 15th of April 1831.

540. You hold the office by patent?—I do.

541. For life, during pleasure, or what term?—During His Majesty's pleasure.

542. What were the duties of the treasurer before?—Keeping all the accounts of every description of this large fund.

543. What was the salary of the treasurer?—Five hundred pounds a year.

544. What was the salary of the secretary?—Six hundred and fifty pounds.

545. Do you enjoy both?—No, they were reduced. I receive the consolidated sum of 1,000*l.* for the two.

546. Under what authority do you receive that sum?—His Majesty's; it is a sign manual of the 20th of March 1831.

547. Do you know why the situations of treasurer and secretary were united?—It is all recited in the King's rule; it was for the greater convenience of the office.

548. Was it not partly in consequence of a defalcation that had occurred?—The whole management of the concerns of the governors was put under a new arrangement in consequence of that.

549. They were simultaneous?—They were.

550. To what amount was the defalcation which had occurred?—Between 20,000*l.* and 30,000*l.* The sum returned to Parliament after we had got in the sureties' money was upwards of 19,000*l.*

551. Did that arise in the department of the treasurer?—In the department of the treasurer.

552. A positive loss to the amount of 19,000*l.*?—Yes.

553. How has that sum been replaced?—By an agreement upon the part of the bishops to pay 1,100*l.* a year out of their own resources till it is all paid off.

554. Does

554. Does that include all the bishops?—All the bishops.

555. So that no part of that sum will ultimately be lost to the Bounty?—No part of it.

556. Sir *H. Verney.*] Is that the case with the new bishops upon being appointed?—Yes.

557. That is, if they agree to it?—If they agree to it; every one has.

558. *Chairman.*] Out of what fund is your salary paid?—Out of the Queen Anne's Bounty Fund.

559. Will you state of what the Queen Anne's Bounty Fund is made up?—I took a great deal of pains in making a recent Return to an Order of the House of Commons, which I believe will explain it better than I can from memory.

560. Is the Queen Anne's Bounty made up of the proceeds of First Fruits and Tenths, of private benefactions for the augmentation of livings, and of dividends on Government funds?—Yes; and interest of money advanced on mortgage, and from Parliamentary grants, which are appropriated; there was 1,100,000*l.* granted between 1809 and 1821, by annual grants of 100,000*l.* each.

561. How have those Government funds arisen?—By Parliamentary grants and the continual increase of the yearly payment of the First Fruits and Tenths, and the sums paid by benefactors from the origin of the corporation.

562. Then is it the fact that part of this fund consists of monies already allotted to the poor livings, and waiting to be laid out in land?—At this moment I should say every farthing of it.

563. Have the goodness to explain what you mean by waiting to be laid out in land?—I will take it that a certain sum, say 200*l.*, was to be allotted to a particular living; which 200*l.* is not paid to anybody, but it is appropriated in my book to such living; till that is laid out in land, which is the ultimate destination of it, the governors allow upon that 200*l.* interest at three-and-a-quarter per cent. to the incumbent. Therefore the 200*l.* is part of the capital which they have allotted; and they have at this moment allotted all their capital of every description to small livings, so that where a clergyman is not now in possession of an estate which has been purchased with appropriated money, that money remains to be appropriated to the purchase of an estate, and he receives regularly the interest from me half-yearly.

564. A higher amount of interest is allowed now than used to be?—Yes; about eight years ago the interest, which had been two per cent., was increased to three-and-a-quarter per cent.

565. Out of what funds is the interest paid?—From the dividends of the stock, appropriated from the capital, and the interest of mortgages.

566. The 200*l.* is vested in Government security?—Yes; and in mortgages.

567. Mr. *Duncombe.*] Suppose the Government security yields more than three-and-a-quarter per cent., what is done?—Then the difference merges in the general fund; and that would go towards the expenses of the governors, in transacting the busines of the fund.

568. Then the clergyman has not the full benefit of the 200*l.*?—He has when it is laid out in land; and in the mean time he receives three-and-a-quarter per cent.

569. *Chairman.*] Through what channel do you receive the First Fruits and Tenths?—From the Treasury.

570. At what period?—Generally about November.

571. How much money are you allowed to have in your own hand?—Five thousand pounds.

572. What security do you give?—I give security to the amount of 6,000*l.*, and I give a bond of my own to the amount of 6,000*l.*

573. From whom did you receive your instructions, as far as related to Queen Anne's Bounty Fund?—From the Board.

574. For how long a time have you that 5,000*l.* in your hands?—Till it is exhausted, and then I have 5,000*l.* more.

575. And how long is that usually?—Sometimes I have three in the course of three days; at other times I may not want another for three or four months; it depends upon the circumstances of the fund. For instance, within the last fortnight or three weeks has been the time of paying the dividends, and at this time the incumbents of livings come immediately for their dividends, and I think I had three separate sums paid to my account in the course of less than a week.

 576. What

576. What is the average of the balance that you hold?—I should say half that sum; when I say that I hold it, it always remains in the same banker's as the governors; it is a separate account; I only draw for it as it is wanted; I do not use it; I get no advantage from it in any way.

577. Does it bear no interest?—It is not capable of it; it is in the banker's hands to answer those claims. I derive no advantage whatever from it; it was to prevent the system of receiving emoluments from interest, in part, that the new regulations were made. My predecessor, I dare say, made more than his salary by the sums which remained in his hands.

578. Of whom does the Board consist?—The Lord Archbishop of Canterbury, the Lord Archbishop of York, the Lord Bishop of London, the Speaker of the House of Commons for the time being, the Master of the Rolls, His Majesty's Privy Councillors, the Lord Lieutenants of counties in England and Wales, the Custodes Rotulorum for the several counties of England, the Bishops of Durham, Winchester, Llandaff, Worcester, Rochester, Exeter, Salisbury, Hereford, Chester, Ely, Lichfield, Norwich, Peterborough, Gloucester, Bristol, Lincoln, Chichester, Oxford, Bangor, Carlisle, Bath and Wells, St. Asaph and the Bishop of St. David's, the Deans of the several Cathedral Churches in England and Wales, the Lord Chief Justice and the Justices of the Court of King's Bench, and the Lord Chief Justice and the Justices of the Court of Common Pleas, the Chief Baron and other the Barons of the Court of Exchequer, the Attorney-General, the Solicitor-General, the Advocate-General, the Chancellors and Vice-Chancellors of the two Universities of Oxford and Cambridge, the Mayor and Aldermen of the city of London, the Mayor of the city of York, and all and every the Mayors of the respective cities within the kingdom of England, the Officers of the Board of Green Cloth, the Serjeants-at-law and Counsel learned in the Law, and the four Clerks in Ordinary of the Privy Council for the time being.

579. Who are the acting governors?—The archbishops and bishops, and, until lately, Lord Harrowby.

580. How many constitute a board?—Seven.

581. And they may be any seven of the governors?—They may, provided one be a Bishop, a Judge or a Privy Councillor; originally it was not so; but it was altered in consequence of the great inconvenience occasioned by the quorum being required to consist of particular officers.

582. When was that altered?—I think it was by the second charter.

583. Will you explain how it was before, and what inconvenience it produced?—"In March 1711, the Lord Archbishop of York was desired to represent to the Queen the inconveniences resulting from the present quorum of the governors, namely, a Bishop, a Judge and a Privy Councillor, who must always be part of every Court, and the want of a new charter on other accounts; which matters the Queen referred to the Attorney-General."

584. That was in Queen Anne's time?—It was.

585. Under what Act of Parliament was that board appointed?—It was by the foundations of the 2d and 3d of Anne, and the 1st chapter.

586. Were they empowered to manage the Bounty?—They were.

587. Under what authority was that alteration made in the board of its being no longer necessary for a Judge, a Privy Councillor and a Bishop to be present?—The second charter, dated the 5th of March, 12th of Anne, says, "And we do hereby also, for us, our heirs and successors, direct and appoint that any one of the persons in the said letters patents mentioned to be of the quorum, with six other governors, shall make a quorum for the future, any thing in the said former letters patents to the contrary notwithstanding; reserving, nevertheless, to us, our heirs and successors the power of restoring at any time the old quorum, or making or directing any other quorum under our or their sign manual."

588. Mr. *Baines*.] By that, "any one" means a Bishop, a Privy Councillor or a Judge?—It does.

589. *Chairman*.] Of those governors, whom have you habitually summoned?—The archbishop and bishops, in town; and sometimes Lord Harrowby, by his own desire.

590. Why have you habitually summoned only the bishops?—Because it was so at the time I became secretary; I went on in the same line.

591. Would any other governor be summoned who signified his wish to attend?—Most undoubtedly.

592. In point of fact, are you now summoning the Lord Mayor and some of the aldermen

aldermen of London?—I now give notice, by order of the Lord Mayor and aldermen, to the town clerk of every meeting.

593. Do they often attend?—They have attended once.

594. How often does the Board sit?—I think about 15 times in the year.

595. How many summonses has the Lord Mayor of London received?—I think two or three.

596. Mr. *Baines.*] When were the first summoned?—About a month ago, by their own order; it was talked of all last season.

597. *Chairman.*] Will you name any other gentleman who at any time signified his wish to attend?—William Agar, esq., King's counsel.

598. Did he attend often?—He attended once.

599. And not again?—No; it is only this season he came forward.

600. Do you continue to give him notices?—Yes.

601. Upon what conditions do you require the purchases of land to be made?—When the incumbent proposes to purchase an estate, queries are issued inquiring into every particular of the land, answers are made to those by the persons to whom they are addressed, namely, three beneficed clergymen and three laymen of the neighbourhood; their report is examined at the next Board, and according to the fitness or unfitness, in the mind of the governors, it is either rejected or allowed.

602. What conditions are there with regard to the land being in the same parish, or in an adjoining parish?—There is no restriction with regard to land bought out of the Royal Bounty Fund, for we keep the two funds, the Bounty and the Parliamentary, separate; there is no restriction with regard to land, except that the purchases under the Parliamentary grant are restricted to the same parish, or the adjoining parish, within an accommodation distance, unless in the case of any very extraordinary advantage to the clergyman, and since that has been adopted with regard to the Parliamentary Fund, the governors have adopted the same by their own choice with regard to the Royal Bounty Fund.

603. What was the object of those restrictions?—It was explained in the rule.

604. Will you read the rule?—"That in consequence of the difficulty in making advantageous purchases of lands or tithes with the monies appropriated out of the said fund to the augmentation of small livings, and the inconvenience and responsibility to which the governors are subjected, in consequence of the sums so appropriated by them being in money, and, therefore, of fixed and certain value, and their capital being in Bank Annuities, and, therefore, of fluctuating and uncertain value; and as it does not appear to the governors that the immediate investment of appropriated monies in the purchase of land or tithes is a matter of paramount importance, the governors are desirous that the obligation on them to make such purchases may be removed, so far as they may neither be bound to make, nor restricted from making such purchases; and that they may be enabled to make a specific application in respect of each living to which there is any money remaining appropriated of so much three per cent. Bank Annuities out of their capital, as shall be equivalent to the sum of money remaining appropriated."

605. You have already stated the interest that is allowed to the incumbent?—Yes, but there is a distinction between the two funds in that respect. Out of the Royal Bounty Fund three-and-a-quarter interest is paid; and with regard to the Parliamentary Grant Fund, under this particular rule, which I have just been reading, the governors have actually applied all the appropriated money from the Parliamentary grants in sums of stock to each living which is augmented; so that, in fact, they receive their own dividends; whatever the stock produces, that sum they receive.

606. Why is that distinction made?—I can give no other answer to that, than that the whole affair of the Parliamentary grants was under revision in 1829, and those rules were made respecting it.

607. Why is it required that the money should be laid out in land?—The second charter prescribes it.

608. Would not the investment of the same sum in Government securities, afford the incumbent a larger revenue?—It would, and that prompted me very much in submitting this plan to the governors. But with regard to the Royal Bounty Fund, I would observe that the greatest part of that is laid out upon mortgage. There would not be enough to appropriate to livings in the way the

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Parliamentary Grant Fund is applied, on account of so much of the Bounty fund consisting of mortgages.

609. So that you have not it at such ready command?—No, the Governors have not it in their hands; but it is certainly extremely useful, because it answers another great purpose, which is the lending of money to the building, repairing and improving of parsonage houses.

610. Who pays for the deeds and law expenses in case of the purchase of land?—The governors, by order of the second charter.

611. In whose custody do the deeds remain?—In mine.

612. How is the selection made of the livings which are to be increased?—Those by lot are according to the King's Rule, such as are under the limit named in the King's Rule from time to time; and then, as all cannot be augmented at once, they are taken by lot out of that set. Supposing that the livings have been improved up to 30*l.* a year, and the King's Rule says that the governors are then to have power to augment livings up to 40*l.* a year, then all the livings that the governors have remaining between 30*l.* and 40*l.* a year are put into a drawer, to be drawn as lots, and they draw every year as many lots as the governors have money to appropriate to. I should say rather that *was* the plan, because now they are not augmented by lot.

613. What is the present plan?—Under a rule obtained in March 1836, the governors have the option of augmenting livings by benefaction entirely, if they think fit, and in the last season and this season almost entirely they have adopted that plan.

614. How do they select them?—The King's Rule limits them to livings under 200*l.* a year, and then the circumstances are considered of those livings for which benefactions are offered; but you may imagine that the applications are not overpowering when benefactors are required to give fully as much, or generally speaking, a great deal more, than the governors.

615. Is the Parliamentary grant regulated with reference to population?—It was while it lasted.

616. And the Parliamentary grants are entirely consumed?—They are; the only sum that remains of the Parliamentary grants is the sum of 20,000*l.*, which the governors have reserved to pay dividends, that they may do something towards relieving the Bounty Fund from the expenses of the Parliamentary Grant Fund. It may be supposed that 1,700,000*l.* coming to any trustees must cause a great increase of expense; and therefore the last portion of the Parliamentary grant they have retained for that purpose; they receive the dividends of it, and pay it over to the Royal Bounty Fund.

617. How much is granted at a time to any poor living?—If by lot, 200*l.*, unless the living was under 50*l.* a year, and then it might have as many lots, by the King's Rule, as would bring it up to 50*l.* a year. If it was by benefactions, the governors might grant as many sums of 200*l.* as would bring it up to 200*l.* a year, if they thought fit.

618. At present what is the rule?—Since the Rule of 1836 was made, they have not done any thing scarcely in the way of appropriations, except to livings where benefactions were proposed by individuals.

619. How long has that been the practice?—Since March 1836.

620. But they might return to the other Rule at any time that they pleased?—Certainly; the Rule is, "That the said governors may appropriate, if they shall think fit, the whole or any part of the monies of which they may have the disposal in each year, in respect of the Royal Bounty Fund, in grants of 200*l.* to livings and cures not exceeding the improved yearly value of 200*l.* fixed and certain; where any person or persons, in order to obtain the Bounty, will give a benefaction of 200*l.*, or a greater sum in money, or the value thereof in lands or tithes, or a clear yearly rent-charge or annuity of 15*l.*; but nevertheless that the said governors shall not be restricted from the exercise of the power which they now have of augmenting, without lot, any such livings and cures, being fitly qualified, as do not exceed 50*l.* per annum, and by lot, any such livings and cures as do not exceed 60*l.* per annum, if the said governors shall in any cases think fit so to augment the said livings and cures respectively."

621. What date does that alteration bear?—Third of March 1836.

622. How soon might a living be increased a second time that was only increased by lot, without benefaction?—Not till every living was drawn, then there would be a new valuation made.

623. Not till every other living was augmented?—Every one that was between 40*l.*

40 *l.* and 50 *l.*, or now, between 50 *l.* and 60 *l.*, would, if the lot system was to continue, be augmented first.

624. Has it ever happened that some livings have been more fortunate than others, and have had two lots, while others have only had one?—The term "fortunate" will not apply, because they never can have more than one drawn by lot; but in the following way they might have more, namely, when any living is under 50 *l.* a year the governors may give it as many lots as would bring it up to that.

625. Was there any difference between the Parliamentary grants and the Bounty Fund in that respect?—A very great difference; under the King's Rule the governors gave to any living that had a population of upwards of 500, as much as would bring it up to 100 *l.* a year, reckoning money at five per cent.; any living, where the population exceeded 1,000, they brought up to 110 *l.* by as many lots as would bring it up to that at five per cent., and so in the same proportion, for 2,000, 120 *l.*; for 4,000, 140 *l.*; for 5,000 and upwards, 150 *l.*; they could not raise it more than that, except by benefaction; by benefaction they could raise it up to 200 *l.* a year.

626. You said that if the benefactor is willing to present a poor living with a certain sum, the Bounty will give an equal sum up to an equal amount?—If they find it fit and qualified in all respects; the governors have the list laid before them of all the benefactions which are offered, and they adopt those which they think are the best qualified according to the rules.

627. To what yearly amount will the Bounty meet benefactions to livings?—Two hundred pounds, where they have the power of doing it.

628. To livings of what amount of yearly value may the aid of the Bounty be extended?—By benefaction to 200 *l.*, and by lot to 60 *l.*

629. So that if the living is above 60 *l.* annual value it could not be raised above that by lot?—Certainly not.

630. Is the Parliamentary grant administered by the same rule?—The Parliamentary grant had the same extent, with reference to benefactions. The governors had the power of granting as many lots on account of population as would augment the living to the amount to which such population entitled it, according to the scale before referred to.

631. Can a living be augmented on which the incumbent does not reside?—Yes.

632. Can a living be augmented, of which the great tithes belong to an ecclesiastical body or a college?—There is no restriction as to that.

633. Can a living be augmented, of which the great tithes belong to a lay impropriator?—There is no restriction as to that. Those two branches comprise almost all the livings that were the objects of augmentation, because they were left so very small after the Reformation.

634. In case of the great tithes belonging to an ecclesiastical body, might they not have increased the living if they had pleased?—I do not know, except by the Act of Charles II. and by a new Act.

635. What is the new Act?—The Act of the 1 & 2 William IV. c. 45.

636. Till that time they had it not in their power to augment?—Only very partially.

637. But by that Act they now have the power?—They have.

638. If a new church is built, can it receive any aid from Queen Anne's Bounty?—Yes, any church whatever, if properly qualified according to the rules.

639. Must it be an endowed church or not?—The governors will never augment now any church, except it is an old church that has been omitted, till it has an endowment of 45 *l.* a year.

640. Is that their choice or their necessity?—It is their own rule.

641. They might do it if they pleased?—They might.

642. Is the patronage transferred to the benefactors in any cases?—It is very seldom that that is resorted to, but it is done occasionally. There is a power of doing it under the Act 1 George I. c. 10.

643. Who does it?—The ordinary, the patron and the incumbent of the mother church, with the consent of the Governors of Queen Anne's Bounty, provided it comes under their cognizance. Suppose, for instance, any person should give to a living 1,000 *l.* as a benefaction, and the governors chose to give 200 *l.* to meet it; they might also agree, in conjunction with the patron, the ordinary and the incumbent of the mother church, to transfer the patronage to the benefactor.

644. Mr. *Duncombe.*] Have you ever known an instance of it?—Not many.

645. Will you read the clause by which that power is given?—By an Act passed in the first year of George I. c. 10, s. 8, it is enacted, "That all agreements with such benefactors, with the consent and approbation of the governors, touching the patronage or right of presentation or nomination to any such augmented cure, made or to be made for the benefit of such benefactors, their heirs, by the King's most Excellent Majesty, his heirs, under his and their sign manual, or by any bodies politic or corporate, or by any person or persons of the age of 21 years, having an estate of inheritance either in fee-simple or fee-tail, in their own right, or in the right of their churches or wives and so on, or having an estate for life or for years, determinable upon their own lives, with remainder in fee-simple or fee-tail to any issue of their bodies, in such patronage, in possession, reversion or remainder, shall be respectively good and effectual in the law against his Majesty, his heirs and successors, or against all and every such bodies politic and corporate, or against the persons so agreeing, and so on, and against every other person and persons claiming in remainder and reversion after such estate tail, according to the form of such agreement." And by section 10, it is provided, "That in case of any such agreement by any parson or vicar, the same shall be with the consent and approbation of the patron and ordinary." In case of an agreement to transfer the patronage of a cure to a benefactor, with the consent of the patron and ordinary, according to the abovementioned clause, all the particulars relating thereto must be laid before the governors, and if they consent to the measure, they will give directions to their solicitor to prepare the necessary deeds (at the cost of the parties) to carry the agreement into effect, to which deeds the patron of the mother church and the ordinary are necessary parties. It is done under that clause.

646. And when so laid before them they generally ratify it?—They do; although there have been many such cases, they have not been frequent during the 15 years that I have been secretary. There is one going on now, which has been approved of, which is Cury and Gunwallo, in Cornwall.

647. Who is to be the patron?—I think it is the Reverend Mr. Rogers.

648. *Chairman.*] You stated, that Queen Anne's Bounty Fund arose from certain funds, but you did not state the annual average produce of those funds?—I should say that the Tenths are nearly 10,000*l.* a year, and the First Fruits nearly 4,000*l.* a year. At the Offices of the Exchequer there were fees deducted from the amount paid in there, which have been remitted for the last year and a half I think.

649. What is the average annual amount of the benefactions?—About 12,000*l.* a year.

650. Mr. *Duncombe.*] From the 31st of December 1833 to the 31st of December 1834, is put down for First Fruits and Tenths, 3,675*l.*; and then, from the 31st of December 1834 to the 31st of December 1835, is put down 23,819*l.*?—I received only the First Fruits in 1834; I had not an intimation from the Treasury till early in the year 1835, and therefore then I received the Tenths and part of the First Fruits of the former year, and in the latter part of 1835 the remainder of the First Fruits and the Tenths payable in 1835 to the governors.

651. In what month would they usually have been paid in the preceding year?—About November.

652. Did you make inquiry, to know why you had not received it?—We make inquiry constantly to know what money is due to us, and Messrs. Coutts' clerk attends directly we have a notification. When we hear that there is money paid into the Exchequer, we send an account to the Treasury of what we understand is there, and then they give us an order to receive it.

653. There appears to be no similar instance of the Exchequer keeping back that sum?—I think not.

654. Have you received no explanation of it in that instance?—I cannot recollect now.

655. Whom did you apply to?—To the Tenths Office and to the Treasury, to know whether it had gone in there; and directly I found it had gone in there, I went and received it.

656. To whom did you apply at the Treasury?—At the office.

657. When did you, in fact, receive it afterwards?—I think it was in the month of February.

658. It was their duty to have paid it over to you?—To have paid it into the Exchequer; the two offices are so entirely distinct, that I have never interfered with

with them at all. I recollect that I was not satisfied, and I made a particular inquiry; but I do not recollect thinking there was any thing wrong.

659. But the delay was between the Exchequer and the Treasury?—I apprehend so; I had no connexion with it.

660. You recollect the dissatisfaction which you felt, but you do not recollect the grounds upon which you were afterwards satisfied?—I got the money, and that satisfied me; but I did not get it quite so soon as I should otherwise have done.

661. In this instance, to whom did you apply at the Treasury?—I cannot say that I went in my own proper person, because I have clerks to send out for matters of that kind.

662. Do you know who went?—I think it is extremely likely that the clerk in the Treasury department went, George Aston.

663. *Chairman.*] The annual average amount of dividends on Government funds appears to be about 41,000*l.*?—Yes.

664. The annual amount of interest on mortgages appears to be about 10,000*l.*?—Yes.

665. Those are all the funds you have to deal with, unless when you sell stock?—Yes.

666. What is the average annual amount of the stock you have sold?—Twenty-nine thousand nine hundred and sixty-two pounds.

667. What is the amount of your capital at present in the Government securities?—One million four hundred and seven thousand one hundred and ninety-three pounds.

668. That is waiting to be laid out in land?—It is.

669. Why did the governors never attempt to augment this fund arising from Tenths, by raising the Tenths to something like their real value?—They had nothing to do with that. The Act of Parliament which settled the Corporation prevented their altering that.

670. Will you read that part of the Act which prevents them?—The 6th section of the 2d and 3d of Anne, c. 11, "And whereas four bonds for four half-yearly payments of the First Fruits as the same are rated, and also a fifth bond for a further value or payment, in respect of the same First Fruits, have been required and taken from the clergy, to their great and unnecessary burden and grievance; for remedy thereof be it enacted, That from and after the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and four, one bond only shall, in such case, be given or required for the four payments of the said First Fruits, which said First Fruits, as well as the Tenths payable by the clergy, shall hereafter be answered and paid by them, according to such rates and proportions only as the same have heretofore been usually rated and paid."

671. Does this include the First Fruits and the Tenths of episcopal sees as well?—Yes, they are mentioned altogether.

672. Mr. *Duncombe.*] But there are no bonds taken from clergymen for the First Fruits?—No.

673. Only from the bishops?—Yes.

674. And the bishops are allowed four years?—Yes.

675. Mr. *Baines.*] At the time when that allowance was made for their paying it in four years instead of one, does not the Act of Parliament declare that nearly the full value of the sees was then paid by the bishops?—Yes.

676. In the 6th of Queen Anne is it not stated, that at that time the First Fruits and Tenths were nearly the full value of the revenues of the bishop?—It is the 5th section of the 6th of Anne, c. 27, "And whereas it has been usual for the Kings and Queens of England, by their letters of privy seal, to allow the archbishops and bishops four years' time for the payment of their First Fruits to the Crown by way of instalment, which, since her Majesty has been graciously pleased to give the First Fruits and Tenths for the maintenance of the poor clergy, cannot now be done: and whereas the First Fruits of archbishoprics and bishoprics amount to near the full annual value thereof, and the other charges of coming into archbishoprics and bishoprics are very great."

677. Can you explain that?—A great portion of the revenues of the bishops and archbishops arises from reserved rents, stipends and other fixed sums; whereas the income of the clergy is a more variable thing, being from tithes. What has made the archbishops' and bishops' incomes greater since the time of Queen Anne has been the great improvement that they have derived from the

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fines taken upon the renewals of the leases, upon that which is not certain but fluctuating and uncertain.

678. If the Bishop of London was receiving, in the time of Queen Anne, an amount equal to about 900*l.* a year, he paid 900*l.* on his induction to the First Fruits Office; now is he not receiving, according to the late valuation, 13,900*l.* a year, and he still only pays 900*l.*?—Yes; that is the same with all the rectors and the vicars who pay First Fruits; but I think the proportion would be less with the Bishop of London than it would be with a rector or a vicar, who receives from tithes, for the reason that so much of a bishop's income is fixed, which does not improve.

679. Did not Parliament legislate frequently upon the subject of First Fruits and Tenths?—It did.

680. Mr. *Cayley.*] Could you make an estimate of the proportion of the bishops' incomes paid for First Fruits and Tenths in the time of Queen Anne, and the proportion which they now pay of their present incomes?—I think it is impossible, because I do not see any place where I could find the information.

681. Then upon what data did you give the answer to the question that the Bishop of London would only pay 900*l.* now, out of an income of 13,900*l.*; whereas in the time of Queen Anne he would pay the whole 900*l.*, out of an income of 900*l.*?—I said that the income of a bishop in the time of Queen Anne would be nearer than that of a common rector or vicar, as that so much of the bishop's income is certain, whereas the clergyman's income has been constantly in a state of improvement. Now a considerable part of the bishop's income is not an improving one.

682. Mr. *Duncombe.*] You say part of the bishop's income is more fixed and certain than that of the clergy; do you mean to say that the income of the Bishop of London has not progressively improved in the last 20 years?—Certainly it has, and so has the rectors' and vicars'; the whole of the rectors' and vicars' has increased; but probably the see of London is an exception, because from its locality it has improved in a greater degree than others.

683. What is the amount of the First Fruits that the Bishop of London pays upon his induction?—Nine hundred pounds.

684. The value of the see of London is returned at 13,000*l.*; is not that exclusive of fines?—No, it includes fines; it takes in the whole of his revenue.

685. How does he calculate the fines?—One year with another.

686. He returns 13,000*l.* a year for three years?—Yes; but there were other questions which brought out what the annual value was, *communibus annis*, and what he has returned is the annual revenue of the see.

687. *Chairman.*] What is the bishop's income fixed at for the future by the recent Act?—Ten thousand pounds a year.

688. Is he to pay the same First Fruits?—Yes, to the best of my belief.

689. Mr. *Duncombe.*] Why is the Bishop of London or the Archbishop of Canterbury relieved from the payment of Tenths?—The 1st of Elizabeth, c. 19, passed in the year 1559, was an Act giving authority to the Queen's Majesty, upon the avoidance of any archbishopric or bishopric, to take into her hand certain of the temporal possessions thereof, recompensing the same with parsonages impropriate or tithes; the 4th section includes Tenths; that Act was restrained by an Act of James, in 1603, and in the mean time Queen Elizabeth, during the vacancy of the See of Canterbury, granted the Tenths of the Dean and Chapter of Canterbury, 318*l.* 17*s.* 3*d.*; Thurleigh, 4*l.* 18*s.* 4*d.*; and the Tenths of livings in the diocese and peculiar of Canterbury, 358*l.* 16*s.* 10*d.*, together with divers parsonages, to Matthew, Archbishop of Canterbury, in recompense for certain manors taken by her Majesty under the said Act of Parliament.

690. And you apprehend that the same sort of reason would apply to other cases?—I have the authority of Bacon for that opinion; I will state the reason upon which I found my opinion. It is noted in several places in Bacon's Liber Regis, "that the clergy are to pay their Tenths to the bishop of the diocese, whereof instances are given in the dioceses of Canterbury, Chichester, London, &c.; such note is inserted, to the end that the clergy who are possessed of livings under that circumstance may not be at a loss where to pay their tenths. And it may be of some use likewise to inform them that where such livings are said to be discharged, that discharge extends only to their First Fruits, and not to the Tenths; the latter being the estate and property of such bishops to whom they are payable, are expressly saved to them (the bishops) by the discharging Acts. These Tenths became

became vested in such bishops and their successors in exchange for manors and lands alienated from their bishoprics to the Crown, wherein an allowance of yearly Tenths has been made a part or the whole of the consideration upon such exchange."

691. Then why do not they pay the Tenths themselves?—I do not know; I must get further information upon that; there is in the Discharging Act a particular exception of all those Tenths being discharged that had been granted by any of the predecessors of her then Majesty.

692. *Chairman.*] Are you not aware that the first year is a very expensive year to a new bishop?—I certainly am.

693. Besides the First Fruits, are there not considerable other expenses?—Certainly, it must be evident to every body.

694. The amount of fees is considerable?—Yes; the secretary's bill to the bishop, including the fees paid in the first instance, averages about 700*l.*

695. To whom are those fees paid?—To a variety of officers; to the Secretary of State's office, the Privy Seal, the Signet, the Chancery offices; and there is one considerable one in the homage fee.

696. Who receives that?—It was formerly paid to an officer appointed by the Clerk of the King's Closet; but he was only an agent for others; I cannot tell whom it went to.

697. What is the amount of it?—I think it is 114*l.*, but I have not paid it for many years.

698. And then, of course, there is a large expenditure to be settled in succeeding to the residence?—Certainly; in taking to a park and stock, and every thing of that sort, and the house in town; generally, those expenses are very large indeed.

699. In short, if a bishop was only to enjoy the see for one year, it would be no great advantage to his family?—The bishop that I knew most about in this particular was the late Dr. Van Mildert, Bishop of Durham; I was very intimate with him, and I knew it was a source of the greatest possible discomfort to him, for about three years after he was appointed, for fear he should die before he had cleared himself; he had been obliged to borrow to a considerable extent, and he insured his life at a considerable premium, because he was a bad life, and he paid an additional sum; but altogether it was a source of great concern and anxiety to him.

700. Has he not to pay fees for taking a seat in the House of Lords?—They are small.

701. Would not the same sort of reasoning apply to livings as to a bishopric, that the first year is always a heavy year?—It is.

702. By the Act passed in the 17th and 21st year of George III., it appears that the governors of Queen Anne's Bounty were authorized to advance money on mortgage to incumbents, to build or rebuild parsonage-houses?—Yes.

703. In sums to what amount, and to livings of what amount, may advances be made for building purposes?—Of every description.

704. And to what amount?—Two years' income.

705. What interest does the board take upon money so lent?—Three-and-a-half per cent.

706. Is it necessary that the money should be paid off in so many years?—It must be paid off by yearly instalments of one-tenth part of the principal sum borrowed if the clergyman is non-resident, and one-twentieth part if he is resident.

707. Besides the three-and-a-half per cent.?—Yes, so that the principal is sure to be returned in 20 years, or it may be in 10 years.

708. Are the governors empowered to purchase houses for the residence of incumbents?—Yes.

709. Was the permission of lending money for the purpose of building houses an innovation on the original destination of the fund?—Certainly, and it has not been acted upon till within the last 26 years.

710. Would not a retiring pension to incumbents of poor livings, in case of incapacity by bodily or mental infirmity, be in that accordance with the destination of Queen Anne's Fund?—The destination seems to me to have been strongly to provide for the service of the churches. I will suppose a living of 300*l.* a year; I will suppose the incumbent of that falls into bad health, and is incapacitated; then the question is, whether that living might receive a greater benefit than all other livings that are within the rule of 200*l.* a year.

711. Would not you say that it was as great an object that the Word of God

should be intelligibly preached, and be preached in every parish, as that a living, which is a very poor one, should be augmented?—I can only answer that as matter of opinion; I have frequently pointed out and heard it discussed by the heads of the Church, the very great importance of there being a provision for a clergyman so circumstanced, that he might not altogether be deprived of the means of subsistence and maintaining his own family, by giving it necessarily to a curate to do the duty which he is unable to perform; but I have never taken into consideration whether Queen Anne's Bounty is a good source to take that provision from; but within this very month I have heard that such a plan was in contemplation.

712. From Queen Anne's Bounty?—No.

713. To confer such an additional power on the governors of Queen Anne's Bounty, would it be necessary to have recourse to Parliament?—No, I apprehend that the King's Rule would be able to do it.

714. You conceive that the sign manual would suffice?—I apprehend it would. I judge so from the name of the corporation; it is "The governors of Queen Anne's Bounty for the augmentation of the maintenance of the Poor Clergy."

715. How many clerks are there in your office?—One in the secretary's department, which was my original department, and two in the treasurer's department; three altogether.

716. What is their salary?—The clerk in the secretary's department has 300 *l.* a year, the senior clerk in the treasurer's department has 300 *l.* a year, and the junior 200 *l.* a year.

717. Out of what fund are they paid?—The Bounty Fund.

718. Is there an auditor?—Yes; Charles Ansell.

719. What is he paid?—One hundred pounds a year.

720. Out of what fund?—The Bounty Fund.

721. How much is allowed the solicitor annually for his attendance at the Boards?—The last charge in the solicitor's bill is, "Half year's allowance made to the solicitor for the trouble incident to the investigation of the titles of estates proposed and approved by the governors, which go off and are not completed, and making reports of the purchases going off, and for attending the boards held by the governors, and correspondence with the clergy on the several matters relating to their benefices, 25*l.*" His allowance, by way of composition for those items, is 50*l.* a year.

722. Out of what fund is he paid?—The Bounty Fund.

723. Is there any thing else paid out of that fund?—There is a messenger belonging to the office who is paid 70*l.* a year.

724. Were there any new regulations introduced in the years 1829 and 1831?—Yes; in 1829 that very extensive alteration was made which I have before referred to, respecting the Parliamentary grants, and that forms the subject of one of the King's Rules; and then, in 1831, a change was made in the method of keeping the accounts, and consolidating the offices of secretary and treasurer.

725. By whom was that alteration suggested?—By the governors themselves.

726. Did you suggest it to them?—The first I suggested; the second I did not, because it was not my wish to undertake the office of treasurer, added to my former one; but the governors behaved very handsomely to me, in the way of requesting me to do it; of course I did not throw any difficulty in the way; I accepted that conjoint situation.

727. Was not there some new check introduced, in order to secure the money?—Certainly.

728. Will you describe the new check introduced at that time?—This is the new system of management: first, "That when Mr. Hodgson, the treasurer, shall attend at the Exchequer, to receive the yearly revenue of First Fruits and Tenths, he be accompanied by one of the partners of the house of Messrs. Coutts & Co., or a person from their house, to be deputed by them, to whom the amount, when received, shall be immediately given. Second, That Messrs. Coutts & Co. shall, by powers of attorney, receive the dividends on the funded property of the governors, and manage for them the purchase and sale of stock, as they may be directed by the governors or the Archbishop of Canterbury. Third, That purchase monies for estates be paid on the order of William Courtenay, Esq. (the governors' counsel), directed to the treasurer, by a bill to be issued by John Dyneley, Esq. (the governors' solicitor), and drawn by the incumbent in favour of the vendor, on and to be accepted by the treasurer, payable at Messrs. Coutts & Co. Fourth, That loans on mortgage to be advanced by the governors

to incumbents of livings, be paid on the certificate of the solicitor, and order thereon of the Archbishop of Canterbury, by a bill to be issued by the solicitor, and drawn by the incumbent in favour of the nominee, on and to be accepted by the treasurer, payable at Messrs. Coutts & Co. Fifth, That appropriated monies to be applied for building purposes be paid on the order of the governors, by a bill to be issued by Mr. Hodgson, as secretary, and drawn by the incumbent in favour of the builder, on and to be accepted by the treasurer, payable at Messrs. Coutts & Co. Sixth, That when payments for sundries above 10*l.* shall be due, the same shall be made by order of the governors, by a bill to be issued by the secretary, and drawn by the person to whom the same shall be due, on and to be accepted by the treasurer, payable at Messrs. Coutts & Co. Seventh, That the solicitor and secretary do, on issuing a bill, immediately transmit the particulars thereof to Messrs. Coutts & Co. in order that they may, on the bill being presented for payment, compare it with the account transmitted. Eighth, That in the payment of any bill to be drawn for the purpose and in the manner abovementioned, Messrs. Coutts & Co. are expected only to see that they have been advised of it by the solicitor or secretary, and to direct their attention to the treasurer's acceptance; which acceptance, if such advice shall have been received, shall be their authority to pay the bill. Ninth, That the treasurer shall receive monies given by way of benefaction for the augmentation of livings, and also instalments and interest on mortgages due to the governors, and any other sums payable to the governors (except those which now are or hereafter may be expressly ordered to be paid to Messrs. Coutts & Co.); and that the treasurer shall every day, at the close of the office, pay the gross amount of the day's receipts to Messrs. Coutts & Co. Tenth, That on an order signed by the Archbishop of Canterbury, the sum of 5,000*l.* be placed, by Messrs. Coutts & Co., to the separate account of the treasurer, to enable him to pay interest and dividends on augmentation monies, salaries, rents, taxes and insurances, and office expenses, and sums payable on account of the governors, not exceeding 10*l.*; the advance of such sum of 5,000*l.* to be renewed from time to time by the order of the Archbishop of Canterbury, on production of the treasurer's account, certified to be correct by Mr. Ansell, the auditor of the governor's accounts, to prove the expenditure of nearly the whole amount of the preceding advance. Eleventh, That the treasurer shall not mix up the monies to be placed to his separate account with any other monies, and shall not apply any part of the advance to any other purpose than here prescribed. Twelfth, That in matters relating to the management of the account, and in advances to be made from it, Messrs. Coutts & Co. are to be guided by the governors' order under their common seal, or an order signed by the Archbishop of Canterbury. Thirteenth, That the treasurer do lay before the Board at every meeting their account book, and also the treasurer's with Messrs. Coutts & Co."

729. Have those new regulations been found to work satisfactorily?—I think perfectly so; I never was more satisfied with any matter of business with which I have been concerned than the whole working of the accounts of Queen Anne's Bounty.

730. You think that sufficient checks are now established?—To the best of my opinion they are; they were examined completely by Coutts & Co., and by Mr. Ansell the auditor, and by the governors themselves.

731. Will you state what is the principal business of the board, or rather your business; is not it corresponding with the small livings in a state of augmentation?—The nature of the business is preparing and arranging augmentations, carrying on the correspondence relating to them, preparing for the boards which are held, and executing the orders of the board, and a variety of other things which I have put down on paper.

732. Do you take minutes of proceedings?—I do, signed by seven of the governors.

733. With how many livings have you a correspondence?—There are 2,700 livings which are augmented, the incumbents of which are occasionally writing to me, in both departments, both as secretary and as treasurer; and there are 800 livings which are mortgaged; we have 3,500 accounts.

734. Mr. *Duncombe.*] If all that money had been vested in land, you would have had no further accounts for those livings?—No; but I doubt whether the incumbents, by making purchases at the present time, would be so well off as they are by receiving the interest and dividends; it is very difficult to make small purchases.

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735. Mr. *Baines.*] It appears from the Parliamentary Return that the sole management of Queen Anne's Bounty has been in the hands of the bishops for a considerable length of time, to the exclusion of laymen; what is the reason why that arrangement has taken place, seeing that the laymen preponderate over the ecclesiastics under the charter of Queen Anne, in the proportion of twenty to one?—My answer must be mere conjecture, and that is, that it arises from the circumstance that the bishops are more immediately concerned; they are the only parties immediately concerned with livings and with the incumbents of livings.

736. But in some respects they may be concerned disadvantageously towards those who have to receive the benefactions?—Queen Anne's Bounty has frequently been before the public; it has been matter of conversation everywhere, and at all times; there has been a book in circulation upon the subject of the Bounty, stating, amongst other things, who the governors are. All, therefore, have the opportunity of attending; but I can only say, that I found it the practice to summon the bishops, who have taken upon themselves the onus of being the acting governors, and that has continued to the present time, and I never heard any observation upon it until last year from one of the officers of the city of London, stating that there had been an application by the common council to the lord mayor and aldermen, requesting them to attend the board, and it was signified to them that they should be summoned if they desired, and they did attend once, and I believe every thing was conducted very much to their satisfaction; and, as I stated before, the Earl of Harrowby has attended; and sometimes, when we have a good deal of business to transact, and there have not been enough bishops to form a quorum, I have sent out a summons to some privy councillor or other lay governor, to prevent the business of the day going off, in order that every thing might be expedited with the greatest possible despatch, and those are the only occasions upon which I remember any body being present, except those who usually attend.

737. *Chairman.*] Do the acting governors receive any remuneration for their trouble?—None.

738. Mr. *Baines.*] You say the other governors might have attended if they had thought proper; were they summoned, and did they know where the meetings were held?—No.

739. Then if they were not summoned they could not attend?—But from the great number of them, and dwelling all over England, to send summonses to them would be useless, except to those that were in the habit of attending.

740. There would have been no difficulty in sending summonses to the Lord Chief Justice or to the Atttorney or Solicitor General, or to the Lord Mayor and Aldermen of London, who are all as much or more resident than the bishops?—None at all; and if it had been ordered by them I should have done it.

741. You do not know at what time laymen ceased to be summoned and t he bishops only summoned for the purpose of managing Queen Anne's Bounty Fund?—There is nothing at all to lead me to it either by tradition or minutes.

742. But you have books which show what persons attend each of the meetings, and of course by referring to those books you would be able to see when laymen attended, and when they ceased to attend, and when the bishops took upon themselves the sole management, and to fix the dates from your own books?—Yes, I can find out the time when the parties that might have formerly attended left off attending.

743. And left off being summoned?—No.

744. Will you endeavour to ascertain at what time the sole management of Queen Anne's Bounty passed into the hands of the bishops, and they alone were summoned?—I will endeavour to ascertain when laymen ceased generally to attend.

745. Does not your printed circular, summoning the courts to be held, begin, "My Lord"?—It does.

746. Is not that a proof that nobody but lords are summoned?—It is a mere official form.

747. In the return of 1831 it is stated that there was a balance due from the late treasurer, John Paterson, of 11,554 *l.* 8 *s.* 11 *d.*, which the archbishop and bishops and the then acting governors meant to pay by contributing amongst themselves 1,100 *l.* a year?—Yes.

748. By the return of the 14th of March in the present year, it is stated that there is due from the late treasurer (and the accounts are taken upon that statement), which is in the course of liquidation, the sum of 14,905 *l.* 11 *s.*; now it appears that in 1831 there was due 11,000 *l.* for the defalcation of this John Paterson,

Paterson, and that there was to be paid 1,100 *l.* a year, and yet, in 1837, there is due 14,500 *l.*, being 3,000 *l.* more than the former sum, though there was an arrangement by which 1,100 *l.* a year was to be paid in liquidation of this debt in 1831?—It was in consequence of bills of exchange due from Mr. Christie to the late treasurer, which were not paid, and the amount of those was deducted at that time.

749. What was the amount of Mr. Christie's bills?—Six thousand pounds and upwards.

750. Was there no dividend received upon Mr. Christie's estate?—Yes; but it was a very small one, I think 1 *s.* or 1 *s.* 6 *d.* in the pound.

751. Has the account credit for that?—Yes.

752. Will you bring with you a statement of the account arising out of the defalcation of Mr. Paterson, the treasurer, reconciling these two statements, which upon the face of them appear incompatible?—I think it is reconciled by the circumstance of Mr. Christie's bills. I will make a statement of the account, from the 19th of July 1831, a debtor and creditor account.

753. In the statement of the Rules and Orders under the royal sign manual, at page 124 of your book, the salary for the secretary was appointed to be 120 *l.* a year; and he was also to find a clerk?—Yes.

754. Then it was afterwards increased to 200 *l.*?—It was.

755. Then it was increased to 250 *l.*?—It was.

756. Then it was increased to 650 *l.*?—There was an increase to 400 *l.* before that, in June 1805.

757. Then it was ultimately increased to 650 *l.*?—Yes, it was, in 1825.

758. The reason assigned for the increase was, that large grants of money had been made by Parliament; those grants were made in the year 1809 and ending in 1820, when the grant ceased?—Yes.

759. But the increased salary seems to be continued up to the present time?—Yes, because now the business comes on of the operation of this grant, by the appropriation of that large sum of money which has already been made to the small livings; that brings all the business before the Board and before me.

760. You have said that the Parliamentary grants were all consumed at a certain period?—Yes, as to money, but it was all appropriated to livings; but all the business as to those appropriations, all the duties and business consequent upon that large fund are still going on in the office; we are not discharged from the duties respecting that large fund, merely because such a part of it is given to this living and such a part to another; there is an application to-day for an appropriation to one part, and another to-morrow for another part.

761. Does the business bear so great an increased proportion now, that there should be paid to the secretary 650 *l.* for that which was formerly only 120 *l.*, he finding a clerk?—Yes; there was comparatively little to do at that time; there was no fund formed; it is the rolling up of sums from time to time that has made the management of this large capital so great a business.

762. When was the first advance in the secretary's salary?—The first advance was in 1718; the next in 1724, it was then 250 *l.*; and the next in 1805, 400 *l.*

763. So that there was 100 years before it was raised to that amount?—Yes.

764. All the First Fruits and the Tenths were then the same as they are now?—Yes; but it is the accumulation in consequence of their not being all laid out in land; but having accumulated to a large amount, that makes the business of the office; I cannot better explain the thing than by a memorial which I presented myself, to get it increased from 400 *l.* to 650 *l.*, in the year 1835; I have set forth the reasons, exactly the same as I should give now; with the permission of the Committee I will lay a copy of this memorial before them.

[*The same was delivered in, and is as follows*:]

TO the GOVERNORS of the Bounty of QUEEN ANNE, for the Augmentation for the Maintenance of the Poor CLERGY.

The humble Memorial of *Christopher Hodgson*, Secretary to the Governors.

Your Memorialist, with respect and duty, showeth,—

THAT in the year 1713, on the establishment of this corporation, the annual salary assigned to the secretary was 120 *l.*; in 1718 it was increased to 250 *l.*, in 1724 to 300 *l.*, and that in 1805 it was, by warrant under his late Majesty's sign manual, raised to 400 *l.*, and it now so remains.

C. *Hodgson*, Esq.

26 April 1837.

That in the year 1805, when the present salary was appointed, which was several years previous to the commencement of the grants by Parliament after mentioned, the funds of this corporation, as well appropriated to cures as remaining unappropriated (reckoning the three per cent. Bank Annuities, then forming part thereof at 75 *l.* per cent.) amounted to the sum of 377,746 *l.* sterling.

That on the 1st of March in the present year (1824), the appropriated and unappropriated funds of this corporation arising from the Royal Bounty, and also from the grants made to the governors by Parliament of 100,000 *l.* per annum, which grants were continued for several years, for the purpose of enabling them to carry on more extensively the augmentation of small livings (reckoning three per cent. Bank Annuities as before, at 75 *l.* per cent.), amounted to the sum of 1,505,085 *l.* sterling, which exceeds in a fourfold degree the capital possessed by the corporation in 1805.

That this view or statement of the funds of the corporation in 1805 and in 1824, is humbly brought before, and submitted to the notice of the governors, for this reason, that as the quantum of the duties and responsibility of the secretary, from the very nature of his aftermentioned employments, in a great degree depends upon the amount of the funds possessed by them, the immense increase of their capital since 1805, being an excess of 1,127,339 *l.*, indicates, though not a proportionate, a very considerable increase of the business of the secretary.

And your memorialist further respectfully solicits permission to submit the following brief statement, as forming an outline of the important business attached to the department of the secretary to this board; viz. That previously to the appropriation of augmentations to small livings by lot or by grants on account of population, or to meet the donations of benefactors, the necessary inquiries into the nature, value and other circumstances of the livings, in order to ascertain which of them are qualified to be augmented, in conformity with the regulations of the governors, require the greatest care and attention, and lead to considerable correspondence. But that the chief part of the business of the secretary is subsequent to, and ensues upon the actual appropriation of augmentations to cures; viz., purchases of estates, exchanges, the application of money in building or enlarging residence houses (of late become of very frequent occcurrence) and other less prominent employments too minute to be specified, but forming a material addition to his care and solicitude. That the necessary preparation for, and attendance at the general meetings of the governors, and at committees, and the execution of the orders made on those occasions, and the constant correspondence with and attendance on the solicitor and treasurer, and attention to personal inquiries and explanations at the office on the variety of subjects connected with augmentations, also form a considerable part of the secretary's duty; and moreover, your memorialist trusts it will not be deemed irrelevant to state, that the Bounty Office has, in regard to estates purchased and stipends granted for the augmentation of small livings, become the repository of an immense mass of title-deeds and other important documents, accumulated during the last 100 years; these are committed to his care and charge; he arranges them, and enters an abstract of the purchase deeds in a book, and he has very often occasion to refer to them, to enable him satisfactorily to reply to the constant inquiries of the incumbents of augmented livings, of the solicitor to the governors, and of other persons, to the title of whose estates many of the documents also relate; that your memorialist does not enter more into deial, presuming that the increase of business of late years may have attracted the notice of the governors, and more particularly of those who were so previously to the establishment of the Parliamentary Fund.

That notwithstanding the grants by Parliament have ceased for the present, the very large fund which, in consequence of those grants, is now possessed by the governors, in addition to the old fund, together with that which will arise from the accustomed annual sources of First Fruits and Tenths, the donations of benefactors, and the surplus of interest, will for a long series of years necessarily occasion an equal portion of employment to the secretary with that which at present exists.

That your memorialist on these grounds earnestly hopes he may be allowed to solicit the favourable attention of the governors to this his memorial, especially as they were some years since, as he has been informed, kindly disposed, on the petition of his predecessor in office, to increase the salary, on account of the additional labour and the greater exertion of mind required in the execution of the important duty put upon this board, in consequence of the munificent grants made by Parliament, although, from certain causes known to the governors, the proposed augmentation of salary remained in suspense until the time of his decease.

That though your memorialist has not, as his predecessor had, length of service to urge in furtherance of his application, yet during his secretaryship some things have occurred which may merit attention.

By a new order of the governors, incumbents who neither reside on, nor perform the duties of their benefices, are relieved from the restriction which did exist, and they may lay out in the purchase of land, monies appropriated to their livings out of the Parliamentary grants; hence will arise, as of course, a greater number of purchases, because the incumbents who may not receive interest before the money is laid out in the purchase of land, may receive the rents and profits of land when purchased. By another recent order of the governors, interest at 4 *l.* per cent. is allowed, instead of 2 *l.* per cent. as formerly, on augmentations made out of the Parliamentary grants since June 1821, by way of benefaction; in consequence whereof, the donations of benefactors have become, and must continue, to be more numerous. That your memorialist, by order of the board, immediately after his

his appointment, not only reduced into order the large mass of deeds and papers which were found by him scattered about, but has perfected an abstract of all the purchase deeds since the establishment of the corporation, about two-thirds only of which had been done by his predecessor. That since his said appointment, power has been given to the governors to raise at once, without lot, all livings up to the annual value of 50*l.*; this good work, perhaps the most considerable which has ever been accomplished at one time by the funds of the Royal Bounty, has lately been completed, except as to a few cases left for further consideration. This measure will naturally occasion many purchases, the more certainly, because the interest allowed on augmentations so made, is only 2*l.* per cent. To the committee to whom the conduct of this latter business was entrusted, your memorialist takes the liberty to refer, as to his exertions in rendering them assistance. In pursuance of their report, the sum of 30,800*l.* was, at a general meeting, held on the 25th day of March last, voted in due proportions to 119 livings, which after accurate investigation were found to be fitly qualified.

Your memorialist concludes with praying, that if on a review of the subject the governors shall judge the present allowance to be disproportionate to the enlarged duties of the office, and that an increase thereof would be equitable, they will be pleased on his behalf, in case they shall be disposed to think him deserving of such consideration, so to represent the premises unto His Majesty, as may induce His Majesty graciously to assign such an increase of salary as with reference to their economical administration of a charitable trust on the one hand, and to the secretary's extended duties on the other, they may think fit to recommend.

And your memorialist, as in duty bound, will ever pray, &c.

Bounty Office, May 1824.

765. Mr. *Duncombe.*] How much of the Parliamentary grant remains uninvested in land?—I think it is upwards of a million; it is applied in fact, but not in land, because the governors have got a rule to enable them to lay this out in Bank Annuities.

766. You were understood to say that the clergyman himself goes and receives the dividend?—He comes to my office and receives; it is like the Accountant General's Office in the Court of Chancery.

767. You say there is a reserve of 20,000*l.*, the interest of which is devoted to paying salaries?—It was saved from being appropriated, that the Parliamentary Grant Fund might contribute something to the Royal Bounty Fund, the Royal Bounty Fund having before paid all the expenses of the Parliamentary Grant Fund. They took a round sum of 20,000*l.* which remains along with their other capital, but the dividends upon which are always accounted for to the Royal Bounty Fund.

768. *Chairman.*] What is the use of that arrangement, does not it come to the same thing in effect?—I find it necessary to keep the two funds quite distinct. I think that Parliament should not throw the expense upon the Royal Bounty Fund in giving augmentations to livings out of another fund; and that the Queen Anne's Bounty Fund should be relieved from part of the expenses caused by the Parliamentary grants.

769. Mr. *Baines.*] In the management of these funds within the present century, there appears to be a very much increased expense; in the year 1805 it appears that the salaries paid to the secretary, treasurer and messenger amounted to 850*l.*, and in 1835, the same items amount to 2,120*l.*, making an increase in the salaries and expenses to the amount of 1,370*l.* a year?—And it will continue to increase, because it is like the Accountant General's Office in Chancery, the more suits there are, the more business he has to do, and the more business there is, the more clerks they must have.

770. You have only three clerks now?—Yes; but they work harder than in any public office in London.

771. Do not the expenses incident to the management of Queen Anne's Bounty amount to 5,176*l.* 3*s.* 8*d.* a year?—They do.

772. What has been the increase in the charge upon this fund in salaries to the treasurer, secretary, messengers and clerks in 1835 as compared with 1805?—One thousand three hundred and seventy pounds.

773. Then in the salaries and allowances of the Tenths Office, it appears that the charge in 1805 was 573*l.* 9*s.* 8*d.*, and in 1835, 615*l.*; what is the difference between the two?—Forty-one pounds ten shillings and fourpence.

774. Then the third item is solicitors for conveyances, counsels' fees or disbursements; in 1805 it is 969*l.* 16*s.* 8*d.*, and in 1835 it is 1,322*l.* 18*s.* 6*d.*, making an excess of 353*l.* 1*s.* 10*d.* a year?—Yes.

C. *Hodgson*, Esq.

26 April 1837.

775. Then there is house-rent, repairs and taxes, which, in 1805, were 286*l.* 18*s.* 8*d.*, and in 1835, 979*l.* 5*s.* 2*d.*; what is the amount of the annual excess there?—Six hundred and ninety-two pounds six shillings and sixpence.

776. How do you account for the house-rent and repairs and taxes, in 1835, being so much more than in 1805?—I must look at those items and compare them.

777. Comparing these charges in 1805 with 1835, is there not an excess of 2,469*l.* 17*s.* 4*d.* a year?—I make it 2,416*l.* 18*s.* 8*d.*

778. Mr. *Duncombe.*] Since you have been treasurer of the Bounty, have you known any instance of any money being applied from that fund for any other purpose than the augmentation of livings or the building of parsonage-houses?—Except as appears by this account, No. 2, which has been read, "For purchases of land, for erection, &c. of residence houses, return of certain benefactions to the donors, for stock purchased, loans on mortgages to the clergy, interest and dividends of money, salaries, and so forth; solicitor, conveyancer, house-rent, and so on."

779. It has been stated that a large sum of money was advanced, during the last year, to the Bishop of Gloucester, towards the building of his palace; is that the fact?—There was no such advance made.

780. Has there ever been any such advance to any bishop for the improvement of his palace?—None, except upon mortgage under particular Acts of Parliament; one for rebuilding Lambeth Palace, one for rebuilding Rose Castle, near Carlisle, and another for assisting in repairing Canterbury Cathedral; the Bishop of London borrowed 10,000*l.* to rebuild London House, in St. James's-square, and that has been paid off; the interest on the existing mortgages is at the rate of 4*l.* per cent.

781. Mr. *Baines.*] Why do there remain so many livings of very small amount, such as 10*l.*, and 20*l.*, and 30*l.*, and 40*l.*, after this fund has existed for now upwards of a century?—Some of those which are mentioned are no doubt what are called donatives, which are not under episcopal jurisdiction; and until the donor has agreed to its being augmented, they are not capable of being augmented.

782. Are there not livings to the number of 4,000 still under the value of 150*l.* a year?—Yes; the governors made a great stir in 1824 and 1825, with a considerable sum they had accumulated at that time to be appropriated, which they had done on purpose, because they had got the King's Rule to bring up all livings that were under 50*l.* a year up to that sum; and afterwards, in pursuance of another King's Rule, they augmented nominally all the livings that they had an account of as being under the sum which qualified them to be augmented; their intention was then to bring up all livings as high as 50*l.* a year; but it appears to me, looking over the return of the ecclesiastical revenues, that there must have been some livings of which they had no account, because otherwise I cannot understand the reason why there are so many under 50*l.* a year; I said just before that I spoke of augmentations nominally up to 50*l.* a year, and that was because the governors fixed four per cent. as the interest which was received by those; now the interest is not so much, because it is only three-and-a-quarter per cent. upon those augmentations, and not four per cent., and that made some difference; the governors, in making the augmentation, certainly reckoned the interest of money at four per cent., that is to say, if a living was 30*l.* a year upon their list, they gave it so many lots of 200*l.*, as, reckoning each lot to produce four per cent., would make it up to 50*l.*; and therefore it might fall short to the extent of the difference between four per cent. and three-and-a-quarter.

783. But that does not account for the existence of such livings as 10*l.* and 20*l.* and 30*l.*?—If any particular living was named, I would endeavour to account for it.

784 The question refers to a return made by the Ecclesiastical Commissioners, in a late document laid before Parliament, and it appears from that that there are a vast number of livings under 100*l.* a year, and a considerable number under 50*l.* a year, and the question is, whether after this fund has existed for so long a period, there must not be some mismanagement in its application, that there should be so many livings of this inadequate kind?—It strikes me that it applies the other way; that considering the number of very small livings that there were

at

at first, it is remarkable that they have been brought up so high as they actually are, with the funds that the governors have had, but I account for it by the benefactors having added so much to the fund. *C. Hodgson*, Esq. 26 April 1837.

785. You have stated that great hardships were suffered by the bishops, from their having to enter upon their sees, and to incur, as they have at their first introduction, a considerable expense in the outfit of their own palace. That would be the same in the time of Henry VIII., when this valuation was fixed?—I should think, according to the price of things at that time, it would be so.

786. At that time they were obliged to pay the whole sum, now they are allowed to pay it in four different yearly instalments?—I think they were accustomed to do that previous to the Act of Parliament. They then had a privilege of that kind under the King's Letter.

787. *Chairman.*] It appears that at the Tenth's Office, there is a large amount of livings for which receipts are regularly made out, from which nothing is received; can you state how that arises?—It is the first time that I ever heard that there was such a circumstance.

788. It has been suggested that those livings have been augmented, and that after having been so augmented, the Tenths have not been required of them?—That could not operate at all. I am not aware of any Rule or Act of Parliament which bears upon that question.

789. Mr. *Stuart Wortley.*] You were asked if you could state the proportion of that which the bishops paid at the time of the statute of Anne to their actual income, and the proportion which their payments bear at present to their annual income, and you stated that it was impossible to give it; how does that impossibility arise; is it because you have no means of knowing what their actual incomes were at that time?—Not the slightest.

790. In fact, they have paid exactly the same sum from the time of Queen Anne to the present day?—They have.

791. Then we have the 6th of Anne, which states that at that period they paid nearly the whole annual value of their bishopric?—Yes; but a recital in the Act of Parliament is rather a vague thing, without a schedule to the Act, to show what their incomes were.

792. But suppose you give it a liberal construction, and take it at only two-thirds?—From the recital in the Act of Parliament, I should not draw any inference from it, except that there had not been any great increase of revenues from the time of Henry VIII. to the time of Anne.

Veneris, 5° die Maii, 1837.

MEMBERS PRESENT.

Lord Viscount Sandon.	Mr. Cayley.
Mr. Thomas Duncombe.	Mr. Stuart Wortley.
Sir Robert Inglis.	Mr. Grieve.
Mr. Baines.	Mr. George Philips.
Mr. Robert Clive.	Lord Dudley Stuart.
Sir Charles Lemon.	Sir Harry Verney.
Mr. W. E. Gladstone.	

HENRY GALLY KNIGHT, ESQUIRE, IN THE CHAIR.

Mr. *George Gunthorpe*, called in; and further Examined.

793. *Chairman.*] YOU have given in a statement showing, that on an average of five years there appear 518 institutions to benefices annually; is that statement correct?—It is. Mr. *G. Gunthorpe.* 5 May 1837.

794. Is it by the 26th of Henry VIII., chapter 8, section 5, that incumbents who have not paid the First Fruits and Tenths are liable to be surcharged?—It is.

795. On an average of ten years, are there 150 rectories and vicarages that pay their First Fruits annually, and 17 deans, archdeacons, prebends and canonries that pay annually?—There are.

796. Making altogether 167?—Yes, but I have not taken into consideration in that statement of 167 the archbishops and bishops.

 797. Without

Mr. G. Gunthorpe.

5 May 1837.

797. Without taking into consideration the episcopal sees, are there that number who pay on an average of ten years?—Yes.

798. One hundred and fifty rectories and vicarages pay First Fruits, and 17 deaneries, arch-deaneries and prebends in every year?—Annually, on an average of ten years.

799. One hundred and sixty-seven upon an average of ten years?—Yes.

800. Are there 3,900 rectories and vicarages, 600 archbishops, bishops, deans, prebends and canonries, that are liable to First Fruits, making altogether a total of 4,500?—I think there are; yes.

801. There are three other questions; are you prepared to answer them?—Not at present, but I will endeavour so to do as early as possible.

802. What is the number of writs to enforce arrears which have been issued in each year from the 31st of December 1831 to the 31st of December 1836?—That I shall require further time to reply to.

803. What is the number of notices issued in each of the aforesaid years in respect of First Fruits?—About 20 or 25, but I am not prepared to answer positively.

804. What was the amount of arrears on the 31st of December in each of the above-mentioned years, not taking into consideration those arrears which are legally discharged?—That I am not prepared to answer.

805. Will you put in an answer to those three questions?—Yes.

806. How often does Mr. Arbuthnot attend at the First Fruits Office?—Not very often; I wait upon him at the Treasury.

807. How often has he been there in the course of this year?—Three or four times.

808. Do you go to him at stated times when it is necessary?—Yes.

809. How often?—Once or twice a month, and when it is necessary very much oftener; but once a month invariably, I attend to pass my month's accounts.

810. At Whitehall?—Yes, at the Treasury.

811. How many holidays have you in the course of a year?—I cannot say exactly; but we are often obligated to be at the office on business although it is closed.

812. Are all red letter days holidays?—They are.

813. The other holidays you do not specify, but there are a great many?—Yes.

814. What are your official hours of attendance?—Ten to two; but later, if required.

815. You cannot say how many real holidays there are in the course of a year?—No, I cannot to be exact.

816. Mr. *Gladstone.*] Can you not give the Committee any idea how many days there are on which business is not done at the office?—About two months out of the twelve.

817. Lord *Sandon.*] Have you any record by which you ascertain that?—No.

818. You do not keep a note of it?—No; but it is about two months out of the year.

819. *Chairman.*] Including the red letter days, or without them?—Including them; two months, including the red letter days.

820. Lord *Sandon.*] That is, about 60 days in the year?—I should say about two months; I cannot say exactly; as it does not follow, because it is a holiday, that we are not there; we possibly may be there on official business.

821. Could you look back to the last two or three years, and say how many days?—No, we do not keep any account.

822. Mr. *W. E. Gladstone.*] Are the Committee to understand that for two months out of the 12 there is no business done at the office?—None.

823. Lord *Sandon.*] Besides these, in the other months of the year are there holidays?—I say including all the holidays.

824. Mr. *W. E. Gladstone.*] What regulates your holidays; who fixes your holidays?—They are the red letter days. The holidays are the same they have been for these 50 years past; I do not know of any variation; I found them so, and my predecessor found them so; and Mr. Harrison, who was the remembrancer of the office for upwards of 40 years, handed the holidays down to the office, and said they were the same in his predecessor's time.

825. Then I presume you can give an accurate account of those holidays?—I state two months in the year are holidays, but there are more holidays.

826. Sir

826. Sir *Harry Verney.*] You could tell those which have been handed down for 40 years, could you not?—All the red letter days, and three days a week during the long vacation.

827. How long is the long vacation?—From June till November, about five months.

828. All the red letter days, and three days a week during the long vacation?—Yes; but we do not take the red letter days when we take the three days a week.

829. You could calculate that?—I take that into consideration; for though we are away three days a week, yet very often two out of the three days a week we are at business; take it at two months holidays altogether.

830. *Chairman.*] Have you brought your books with you?—I have.

[*The Witness produced his Books.*]

831. Is this the money received?—Yes, on account of First Fruits, with the receiver's signature at the bottom; there is a calculation of every three months, and the amount is paid into the Exchequer.

832. You said before that it was paid into the banker's as soon as you received it?—Yes.

833. It remains there, does it?—Yes, for three months, and is then paid over to the Exchequer, in compliance to the receiver's patent.

834. In your book there appears nothing on the score of Tenths?—The arrears of Tenths are contained in his book.

835. Mr. *Greene.*] What check has Mr. Arbuthnot to ascertain that this is a correct account of all the livings in respect of which the First Fruits accrued during that time?—At the end of the twelvemonth the Audit Office examine our vouchers and accounts, of which that is our even and quit.

836. Has he any return made to him actually of the livings that have become vacant?—It is made to the remembrancer's department when application is made to pay the First Fruits. The remembrancer causes a state to be made out, and also a *constat*; the former is handed to the receiver to receive the money upon, who files the same, and the latter is sent to the Audit Office.

837. Sir *Harry Verney.*] You said the bishop sends in to the office livings to which he institutes?—Yes, he does.

838. Mr. *Greene.*] If the remembrancer sends to the Audit Office, that would answer for the Audit Office?—Yes.

839. Where does the bishop send his information?—He makes his return to the Barons of the Exchequer, and it is handed to our office at once; the remembrancer is in the First Fruits Office.

840. All those returns are sent to your office?—Yes.

841. Is there any check by which it can be ascertained if Mr. Arbuthnot has signed those books, by which he ascertains that this contains a list of all the First Fruits that have accrued?—The remembrancer is a check upon the receiver, and the Audit Office on both.

842. But the Audit Office has no other returns except those which pass through your hands?—They come down to the office and examine the bonds with our accounts, and likewise examine the *constats* with the Liber Regis.

843. The bonds are deposited with you?—Yes, they are deposited with the office; the Audit Office have the Gazettes, and they know of all the appointments to the bishoprics.

844. Would it not be possible to keep back something?—I should think not.

845. Lord *Sandon.*] Is there no other record kept, besides that which is sent to your office, of the livings to which the bishops institute?—No, there is not.

846. You have no means of checking them?—Unless they come to our office; as to the bonds they would have the means, and as to the certificate.

847. Suppose there were 20 bonds, how would they have the means of knowing as to the livings?—The livings come in by certificate.

848. Is there any other record than that which comes to your hand?—None, but comes to the office.

849. There is no check?—There is no check further than examining them, and taking the arrears.

850. But if there was any malversation in the office?—Putting on one side the Audit Office, I should say there is no check except the remembrancer on the receiver, and *vice versâ*.

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851. The Audit Office take the case as you lay it before them?—Yes, they examine our *constats* with the Liber Regis, which we make for the collection of the First Fruits; we do not withhold the return from the Audit Office.

852. Sir *Harry Verney.*] What assurance have we that in January 1837 this is the only number of deans who ought to have paid First Fruits; how do we know that?—You cannot know it further than from the bishop's certificate.

853. *Chairman.*] If the Barons of the Exchequer were to return a duplicate of the institutions to the Audit Office, would not that afford the check?—Decidedly, that would prevent their coming down to examine our certificates.

854. Sir *Harry Verney.*] Is there any benefit at all from its going through the Barons of the Exchequer; would it not be an easier course for the bishop to make two returns, one to the Audit Office and one to you?—It is in compliance with the Exchequer writ; they make the returns to the barons; it is in compliance with the writ from the barons.

855. But still there is no practical advantage in its passing through the barons of the Exchequer?—No, only it then forms a record of the Court of Exchequer, which it would not otherwise do.

856. *Chairman.*] Are there a certain number of livings appearing on the non-solvent roll that never do pay?—Yes, and a great number of them are positively discharged by Act of Parliament.

857. Lord *Sandon.*] Then those who never do pay, from what do they derive their exemption?—By Act of Parliament.

858. You said some of these were exempted?—The others I cannot say, I only state as to some of them; hospitals are all exempted, and chantries are exempted by Act of Parliament, but still they are brought forward.

859. Are perpetual curacies liable?—No.

860. What are the O's?—I am compelled to distinguish those that pay from those that do not pay.

861. Those who have "O's" do not pay, and those that have a cross do?—Yes, when I have entered them I put an O at the other end of the name of the living, to show they are entered.

862. The "R." means rectory, the "V." vicarage?—Yes.

863. *Chairman.*] Are all that are exempted, exempted by Act of Parliament or not?—Some of them are not to be found any where.

864. They no longer exist?—They no longer exist.

865. Do you mean to say that all that exist are exempted by Act of Parliament that are not on this roll?—No, I will not say that; I am not prepared to answer that question.

866. Mr. *Baines.*] I thought you said there were two classes; one of them were those that were exempted by Act of Parliament, and the other those that were exempted from a cause you did not know?—Yes, from a cause I did not know.

867. That is the answer you will give to the Chairman's question; he asks if all are exempted; you do not know; some of them you do know, others you do not know the reason why they do not pay?—No.

868. *Chairman.*] Are those the places for which receipts are constantly made out and put into a drawer?—That is better for the Tenths Office to answer; I am not aware what they do with them; they return them, as you see, on the non-solvent roll without marking any; I mark those that do not pay, from an instrument that I have, and that never did pay, and then mark the others.

869. Mr. *Baines.*] Do you know whether the arrears of 1826 did not amount to 226*l.* 17*s.* 9*d.*, and whether the arrears of 1836 did not amount to a very much larger sum?—Of one thousand eight hundred and thirty-six I have no return, of 1835 I have, and as to 1832 I do not know that I can answer; I cannot answer that question.

870. Can you tell what the Exchequer processes cost to the persons on whom they were served in the year 1826?—I know nothing at all of it; it was before I was senior clerk.

871. I understand there were only 62 processes in the year 1826, and in the year 1836 there have been 394; I want to know why the clergymen (who must, from the very nature of the case, be in narrow circumstances), why they are put to this great additional expense?—I cannot give the reason why it is so.

872. In point of fact is it so?—I do not know that it is.

873. As the witness is not in a situation to return an answer to that question at present,

present, he is requested, next time he is before the Committee, to give an answer specifically on these points?—I do not really think I can answer that at all. Mr. *G. Gunthorpe.* 5 May 1837.

874. *Chairman.*] When I desired you to bring books, why did you only bring this book of a later date?—I have brought these books, and the non-solvent roll.

875. How far does it extend back?—To 1831; it does not follow that in 1826 these processes were issued, though they were on process; for if it is paid before the process goes to the sheriff, of course there is no process issued.

876. Sir *Harry Verney.*] What do you mean by under process?—After June it becomes non-solvent, and is entered as non-solvent to issue process upon: I call that under process; but when it goes to the sheriff, I call that a writ.

877. When is it done; when does that consequence follow?—In July.

878. So that it is merely from June to July?—Only from June to July.

879. Is there any additional charge made to the clergyman in consequence of being under process?—Yes.

880. Before the writ is issued?—Yes; at the Tenths Office they receive an arrear, and then they charge 7*s.* 2*d.*

881. For what?—For the notice and the remembrancer's fee.

882. For every notice that is issued?—For every notice that is issued, and the remembrancer's fee.

883. That is, between June and July?—Yes, we stop them as soon as we get our writs made out.

884 Mr. *Stuart Wortley.*] Suppose a person is returned non-solvent in June, when is the first notice given?—April is after the first notice, between April; I only speak from supposition.

885. They have two letters in the course of the month to inform them that it is not paid?—Yes, I belive so.

886. Is there any payment charged to the clergy beyond the two charges for notices?—Not unless the writ issues.

887. Mr. *Baines.*] Then what is the charge then?—Thirteen shillings and fourpence.

888. *Chairman.*] Between you and the remembrancer?—The remembrancer takes 5*s.* 8*d.*; 13*s.* 4*d.* is for making out the writ and sealing.

889 To whom does that go?—To myself.

890. The remembrancer has 5*s.* 8*d.* besides?—Yes, which he has after the last day of April; I think it is after June, but the Tenths Office can better answer that question.

Mr. *William Bridges,* called in; and Examined.

891. *Chairman.*] IS Mr. Griffiths sufficiently recovered to attend?—No. Mr. *W. Bridges.*

892. How long has he been ill?—He has been five years under bad health; he has just managed to attend; but were it not for my assistance, he would not be able to get through.

893. He is not a very efficient officer?—Yes, with my assistance.

894. But not without it?—At times he is; but at certain seasons of the year he is troubled with a disorder in the head, which is the reason.

895. Sir *Harry Verney.*] Would it be an inconvenience felt in the office, if you had to transact the business?—No, I think I could do it.

896. *Chairman.*] Do you in point of fact do most of the business done there?—No, we have the office divided; and when he was ill about six weeks, I did his business for him; it was early and late.

897. This is not an illness from which you expect him to recover?—He has not got strong; he is an elderly person.

898. How old is he?—I think he said he was about 68.

899. And he has been in a bad state of health six years?—Five years he has been under a physician's hands.

900. Are you able to give us any information about these livings for which you make out the receipts?—I have not got it; I can tell you the number of the receipts of these desperate arrears; it is 316.

901. Every year you go on making it?—Yes.

902. Are you able to assign any reason for that?—No, there are two of these receipts.

[*The Witness produces them.*]

903. Are they any particular class of livings; are they livings or prebends?—Some are livings, some are prebends; there are vicars-choral.

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904. No bishopric?—No.

905. You are not able to assign any reason for their exemption?—No.

906. Every year you make out the receipts?—Yes.

907. What do you do with them?—They are burnt after a time; when the drawers are full we empty them out.

908. How do you know what are exempt; are they by Act of Parliament, or what?—That I do not know; they are only so in our large book, our day-book; there is a difference of character, those that are exempt are in plain letters, the others are in the black letter.

909. The reason of it you do not know?—No.

910. The receiver of the Tenths is so ill he cannot appear?—He is very bad I heard; I produce a receipt we received from the Dean and Chapter of St. Paul's, but for what they do not know themselves; we pay only 15*l.* 16*s.* 1*d.*; they cannot give an account, nor any reason for receiving from us 15*l.* 16*s.* 1*d.*

911. You do not know why you pay it?—They do not know; perhaps the Dean and Chapter were overcharged, and, instead of deducting that sum on finding out their mistake, we pay them back every year 15*l.* 16*s.* 1*d.*; I asked Mr. Sellon, and he said we are obliged to put something.

912. Sir *Robert Inglis.*] How long can you trace this payment in your books?—Why, I should think for many years; our books are from ever since seventeen hundred and odd.

913. The receipt is to this effect; "Received the sum of fifteen pounds sixteen shillings and one penny for four quarters' rent, including the increased rent for redeemed land-tax and acquittance;" can you state any other consideration in addition to the increased rent for the redeemed land-tax and acquittance which you consider to be comprehended in the receipt you have delivered in?—No.

914. Will you ascertain the date at which such payment first appears on your books, and the consideration therein stated for such payment; and will you deliver in the same, either to the Chairman or the clerk of the Committee, before the next meeting?—Yes; but it is only entered in all the books, "Paid Dean and Chapter 15*l.* 16*s.* 1*d.*," without saying more.

915. Have you examined all the books from the earliest date?—No; I took my predecessor's book, and I entered the succeeding year the same as he did.

916. It is signed "William Sellon, Chapter-house;" who is he, what office does he hold?—I do not know.

917. Is he the chapter clerk to the chapter of St. Paul's?—I suppose he is.

918. Mr. *Stuart Wortley.*] Are the receipts not filed?—They are always sent in to the receiver every year.

919. Are they not filed?—Yes, I should think so; the late receiver was Baron Richards.

920. Mr. *Baines.*] Are there any similar receipts to that?—They are sent in every year.

921. Is there any other that you pay to other institutions?—No, only this one.

922. What is the practice of the office; do you file them?—We send them in to the receiver every year when we settle our accounts in July.

923. Do you know how long these receipts for dead arrears you write out and put into your drawer, how long that practice has existed?—No, my predecessor was there 50 years before he left; I made that remark to him; he said, during his clerkship he had always filled his drawers with these receipts 50 years he had been there.

924. Do you know what desperate arrears mean?—I borrowed it from the Audit Office when we examine; they call over what is called over desperate arrears.

925. *Chairman.*] In your office it means those receipts for which there are no payments?—Yes.

926. Sir *H. Verney.*] Is your office in any degree subject to that office of which Mr. Gunthorpe is clerk?—No.

927. Yours is an independent office?—It is.

928. Why was it that you allowed yourselves to be actuated by the interference of Mr. Gunthorpe not to send in the information required?—Because my senior clerk thought it better not to do it.

929. Who is he?—Mr. Griffiths.

930. *Chairman.*] What is the check on your receipts?—That the receipt of the money received, and the non-solvent roll, must make out one sum, a regular sum, to a farthing.

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931. Mr. *Baines.*] Have you the means of ascertaining what number of Exchequer fees are paid yearly?—Not what are paid yearly; but understanding that all those that are returned into the non-solvent roll when the non-solvent roll is given in after the signature of the Baron of the Exchequer, we are receiving for the First Fruits till July the Exchequer fee of five shillings and eight-pence, then we stop; after that time monies for arrears are brought in by the First Fruits and entered in this book.

932. I do not think you quite understand the question I wish to ask you; I wish to ascertain what number of Exchequer fees are paid every year, and the question I ask you is, whether you have the means of ascertaining that fact?—We have not the means of ascertaining every one of them, but sometimes the clergy bringing in a receipt of what they have paid at the First Fruits Office, they show what Exchequer fee has been paid.

933. For instance, do you know what number of Exchequer fees were paid in 1836?—No; I could only judge by that single instance of seeing an Exchequer fee paid on one living; I judge that every living has that Exchequer fee charged upon it.

934. Where the payment has not been made?—Yes; for instance, supposing every one of these that are paid to me, if we are to judge by one payment of the Exchequer fee, it is only multiplying the number of livings by what the Exchequer fee is.

935. I do not ask the amount of the Exchequer fee, but I ask if you know the number of the Exchequer fees paid in each year?—No, I do not.

Mr. *John Holford,* called in; and Examined.

Mr. *John Holford.*

936. *Chairman.*] WHAT situation do you occupy?—I am clerk under the secretary to the governors of Queen Anne's Bounty.

937. What is your salary?—Three hundred pounds a year.

938. Paid by Queen Anne's Bounty out of the fund?—Yes.

939. What are the official hours of attendance?—From ten till four.

940. And then what holidays are there?—Two in the year, Christmas-day and Good Friday.

941. Does that extend to the long vacation?—We have no vacation at all.

942. Explain a little the nature of your duties?—In the first instance, to attend the secretary on the opening of letters, and then to receive directions from him for the examination of the papers to which they relate, and generally as to arranging the letters and keeping them, and as to the augmentation of livings, and attending to the correspondence of the office, answering inquiries, &c.

943. The various livings connected with Queen Anne's Bounty?—Yes.

944. You have nothing to do with the accounts?—Nothing at all.

Mr. *George Aston,* called in; and Examined.

Mr. *George Aston.*

945. *Chairman.*] WHAT situation do you occupy?—Chief clerk in the treasurer's department.

946. In what office?—In Queen Anne's Bounty.

947. What is your salary?—Three hundred pounds a year.

948. You are at the head of the accounts, the financial department?—Precisely so.

949. Will you be so good as to explain; there is a considerable difference in the returns sent in from your office in one year; a much smaller sum appeared to be in one year; can you account for that; just state the year in which the small sum appears?—Between the 31st of December 1833 and the 31st of December 1834.

950. Are you able to account for that in any way?—I can state generally what has been the practice for the last 20 years; it has been to make application first at the Tenths office to know the amount we might claim, and then at the First Fruits, to know the amount of our claim; these two sums are added together and particularized to the secretary to Queen Anne's Bounty; on which an order is obtained from the governors, which comes down to the treasurer; it comes now into the treasurer's office, and in this case the inquiry, as in all preceding ones, has been in the autumn of the year; the order obtained for this particular sum of 3,675*l.* 9*s.* 10*d.*, is an exception to what I ever knew to occur before, and it arose in consequence of Mr. Hodgson's anxiety to get in the First Fruits and the Tenths as speedily after they were received by the different offices as possible; I should say in February

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February or March 1833 he asked me what had been the practice, and whether I thought it possible to get a quarterly payment of the sums for the benefit of the governors instead of an annual one; I said I would make inquiry; in consequence of which I went to the First Fruits Office, and ascertained that there was no objection to our receiving immediately what was in the Exchequer instead of waiting till the autumn of the year; I mentioned the same to Mr. Hodgson; he obtained an order of the governors, and the sum, 3,675 *l.* 9 *s.* 10 *d.*, was for the First Fruits for four quarters ending 25th of December 1833, and was received in May 1834. I will now come to the other. In the autumn of 1834 I went to the Tenths Office and ascertained the amount they had paid into the Exchequer; I then applied to the First Fruits Office, and they gave me an account of two quarters', the Lady-day and the Midsummer First Fruits; the Tenths for that year and the two quarters' First Fruits amount together to 10,564 *l.* 15 *s.* 2 *d.*; the governor's order was obtained; this order (as in these cases, since 1831,) was given to Coutts, the banker, to prosecute through the various offices in the Exchequer; in the course of October in that year, 1834, the Exchequer was removed from Westminster, and all the accounts were then transferred to the Bank; a delay occurred, and credit was not given to the governors in the treasury books till January 1835 for this money, which, but for the change, I believe we should have received as usual, either in October or November of the year preceding.

951. In which case it would have appeared in this year?—Yes, that is exactly the case.

952. Sir *R. Inglis.*] Does it appear from the statement you have made, and the sums which you have detailed, that the average of two years, one higher and the other lower than the ordinary previous receipts, does bring you to the same sum, or nearly so?—I should say the average was the same or nearly so.

953. And that the difference has arisen from the removal of the place where the accounts were kept, and a change in the manner of keeping them?—Yes, I should say, since Mr. Hodgson asked the question whether money could not be received closer up, if I may use the expression, I think we, from receiving it so, have a little more, one quarter's First Fruits more, than we were accustomed to receive in the late treasurer's time; this branch of revenue is sooner in the governors' hands than ever it was before.

954. *Chairman.*] What are your hours of attendance?—From ten to four, official hours; but I have been occupied from ten till eight for three-fourths of every year since April 1831.

955. Have you any holidays?—None, except Good Friday and Christmas-day; we formerly kept holidays all the red letter days, when we were in the City; but in consequence of Mr. Hodgson saying the fewer holidays the better, we do not now keep any but the two which I have named.

956. Sir *Harry Verney.*] Has the average sum paid into your hands from the offices of the Tenths and First Fruits been smaller of late years than in former ones?—I have prepared and have now before me a list of the sums received for the last 30 years, and I find that in 1807 we received 13,900 *l.*; in 1836 we received 13,300 *l*; the variation in the sums seems to have been very small.

957. What was it in 1826?—Twelve thousand nine hundred pounds; it seems principally on First Fruits that the amounts vary.

958. Mr. *Baines.*] Has there been any Parliamentary document printed containing the information that is contained in this paper?—You will find it is mentioned in all the returns of the First Fruits and Tenths.

959. Taking them successively, they would exhibit this as just the result?—Yes.

960. Sir *Robert Inglis.*] You refer to a paper presented to the House of Commons in the year 1822, and that which was presented in the year 1830, and that which was ordered by the House to be printed in the course of the present session, as combining together the information contained in the manuscript you hold in your hand?—I speak with certainty as to the return lately presented, because I had something to do with the arrangement and the execution of it.

961. That return which you hold in your hand is a return for the last five years?—Yes.

962. Or rather the five years ending the 31st December 1835?—Exactly so.

963. You are aware there was a preceding return of 10 years to the year 1830?—I have not seen it, but I am aware that returns have from time to time been ordered and laid before the House.

964. You

964. You have reason to believe the manuscript you hold in your hand is a manuscript which contains the information already communicated to Parliament?—I should say so. You asked as to my duties, they are more fully detailed in the petition I presented to the governors in 1835. Mr. *George Aston.* 5 May 1837.

[*The Witness delivered in the same.*]

Christopher Hodgson, Esq., called in; and Examined.

965. *Chairman.*] HOW many augmented livings are now receiving dividends?—Two thousand three hundred or thereabouts. *C. Hodgson*, Esq

966. Can you state the amount of the whole sums they receive?—Yes, 52,630*l.*; you will find that in the return.

967. Can you give us any explanation of what you have heard called the dead arrears?—I can give you some; if the documents had been in my own office, I would have come prepared with better information than I have; but I must remark, in the first instance, that I found among those dead arrears Tenths charged on hospitals on looking to the Acts of Parliament, which I have done carefully, I find by the 1st of Elizabeth, chapter 4, all hospitals are discharged from tenths, therefore all those Tenths ought to be taken from the account; secondly, I find by the 1st of Edward VI., chapter 6, all chantries were dissolved; therefore those Tenths fell as a matter of course; then, as to the particular livings which are stated in this paper, all that I could do for the Committee was to send to Mr. Gunthorpe to request he would look into the documents in the office where he is a clerk, and mark against every living what he found from those documents bearing upon the question; he has done so in pencil in many instances, not by any means in all; but he informs me he thinks, if he had time, he could give an account of all or the greatest part of those dead arrears.

968. How have they arisen?—It does appear to me the term "dead arrears" is a proper one, because many of these have not been receivable or due since the time of Edward VI. and Queen Elziabeth.

969. Can they be all shown to have been exempted by Act of Parliament?—Those two Acts of Parliament bear on the question; there are none other except the discharging Acts the 5th and 6th of Queen Anne, that I am aware of.

970. Was Mr. Gunthorpe able to give any explanation of those not in the Acts of Parliament?—No, he was not.

[*Mr. Gunthorpe reads several as specimens.*]

The sub-treasurership of the cathedral church of York, dissolved in the time of Edward VI., and converted into a lay fee. Two chantries in Ripon, Hatfield vicarage, near York; there has been no institution to those since the reign of Queen Elizabeth; it is held as a curacy. St. Andrew's prebend in Beverley, St. Michael's and St. Nicholas' hospitals in Beverley; those were dissolved at the time of the general dissolution of the religious houses. Dunstan vicarage; there has been no institution for 200 years; held by license from the bishop as a perpetual curacy. Motchelclone St. Mary in Chichester; this rectory has been so long destroyed, that even the site of it is not known. The rectory of Warden, Canterbury, is among the discharged livings in the Liber Regis. I think, if I had time, I have no doubt I could give an explanation of the remainder. Then there are some masses in Lincoln cathedral; no such masses now exist, or have for ages past. There are 25 vicars-choral in Lincoln cathedral; the number has been reduced to four.

971. Sir *R. Inglis.*] Those are the cases noticed in the last day's evidence?—Yes; the keeper of the office of the Altar; there are various other cases, but those are the strong ones.

972. Mr. *Baines* to Mr. *Hodgson.*] Do you think, Mr. Hodgson, that any advantage arises from retaining those dead arrears in the books?—I think it would be a very advisable thing, if I may answer the question in that way, that, before they are struck out, there should be a very rigid scrutiny into them; I mean that as a recommendation from the Committee in their Report.

973. *Chairman.*] There are certain bishoprics exempt; are you able to give the Committee any information as to the reason of their being so exempt; have you any means of accounting for those bishoprics that are exempt?—The two that were specially mentioned to me on my last examination were Canterbury and London; as to Canterbury and London, I have.

974. Be so good as to give them?—All the Tenths of the revenues of the archbishopric of Canterbury were granted by Queen Elizabeth to Mathew, archbishop

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of Canterbury, by grant of the 12th of July in the third year of her Majesty's reign, which document I have before the Committee.

975. Why were they so granted; in lieu of what?—Of manors and other estates which had been taken by her Majesty under an Act of Parliament which I mentioned before.

976. From the See of Canterbury?—Yes; during the vacancy thereof; that Act was in force from the 1st of her reign to the 1st of King James.

977. Sir *Harry Verney.*] Is it in consideration of the same manors for which she gave the Archbishop of Canterbury the Tenths of all the clergy in his diocese?—In the same deed, and the dean and chapter's Tenths also.

978. *Chairman.*] Now explain as to London?—I have not brought with me an office copy of the grant in the case of the Bishop of London, on account of the heavy expense; the one I now produce respecting Canterbury I found in the record-room of Lambeth-palace; but I applied at the Rolls Chapel, which is the place of the enrolment of such deeds, and I had the following letter from the clerk there, Mr. Thomas Palmer, by which it appears that the Tenths of the revenues of the see of London were by Queen Elizabeth granted to the then Bishop of London and his successors:

[*The Letter was handed in, and read, as follows:*]

Dear Sir, Rolls Chapel, 3d May 1837.

In pursuance of the instructions contained in your letter of the 1st instant, I have searched for a grant of the Tenths of the see of London, which I find was made on the 10th February in the fourth year of Queen Elizabeth; and after reciting, that her Majesty had, under the Act of Parliament made in the first year of her reign, retained certain manors, &c. parcel of the possessions of the Bishopric of London, in recompense thereof grants to Edmund Bishop of London (*inter alia*) the Tenths of the Dean and Chapter of St. Paul's, and of the prebends and several officers of the cathedral, and the yearly rent or pension of 100*l.*, for the Tenths of all the rectories, &c. thereby granted, and of all other revenues belonging to the see payable by the Act of 26 Hen. VIII. or the Act of 1 Eliz., to hold to him and his successors for ever. The rules of the office preclude me from giving a fuller extract from the grant, but the roll shall be kept out for your inspection, if you should think it necessary to do so.

I am, dear Sir, your very faithful humble Servant,

Christopher Hodgson, Esq. *Thomas Palmer.*

979. Mr. *Baines.*] It does not say of any lands that may come into the possession of the see?—No.

980. Suppose any possession of that kind that might come to the see of London since the period when that grant was made, would the Tenths be payable upon those possessions so accruing to the see?—I should think not; I should think none after the Acts of Henry VIII.

981. Because the terms of the Act are these: "On granting the Tenths of those possessions at present in the possession of the bishops, or those that may hereafter become so?"—Yes; then the Tenths were denoted at that time.

982. You consider that as final?—That is my opinion; but I consider having all been rated in the time of Henry VIII., and all so rated being particularly referred to in this document, as it says, "belonging to the see," &c., it appears to me the grant by Elizabeth will give to the see all that had been charged by Henry VIII., or by the Act of the 1st of Elizabeth.

983. Sir *R. Inglis.*] Every thing the Queen at that moment was entitled to receive, she made over to the Bishop of London and his successors for ever?—I think so; for I have read the grant to the Archbishop of Canterbury; no doubt the form of the deeds was exactly the same, and my impression is that the Archbishop of Canterbury by this deed was discharged from all Tenths that had been rated by Henry VIII.

984. Mr. *Baines.*] Or any possessions that might afterwards accrue?—Yes, for I think the right would not apply to after acquired estates. Here is a document as to when lay governors ceased to attend; I thought it better to put down every layman that attended from the first.

985. Is that from the institution of Queen Anne's Bounty?—Yes; and it appears to me as nearly as possible it is 100 years since layman were in the habit of attending, and I apprehend, when they have attended subsequently, knowing what the practice has been for some years, it has been, that where there had not been a sufficient number by the proper hour, they sent for the nearest governor to

make

make a quorum; the deans were in the habit of attending very frequently, and the last dean that seemed to make a practice of it was the dean of Lincoln; I remember him very well—Sir Richard Kay; he lived near Cavendishr-square, and seemed to be in the habit of attending constantly; there are numerous instances of the Judges of the several Courts and the Attorney General and Advocate General, and the Vice Chancellor of Oxford attending soon after the establishment of the Bounty Board.

986. At first it was required that, in order to constitute a court, there should be present a bishop, I think, or privy councillor, and a judge; when was the alteration made that gave the power of constituting those courts differently?—By the second charter.

987. What was the year?—The 5th of March, the 12th of Anne, 1713-14.

988. Do you know at what period the practice first commenced of summoning the bishops only to attend at the meetings of the governors of Queen Anne's Bounty?—I do not.

989. Does the document before you throw no light on that subject?—Not on the summoning; merely on the attending.

990. Will you be so good as to state at what time laymen ceased to attend, as you will be able to do from that document before you?—Generally speaking, about 100 years ago they did attend at intervals; a single layman, generally.

991. Sir *R. Inglis.*] In your answers 700 and 736 you have already stated that the Earl of Harrowby has frequently attended?—He did.

992. Have the bishops, by their attendance, any benefit either of money or patronage?—Neither one nor the other, for the appointment of the officers of secretary and treasurer is in the Crown.

993. Have the bishops by their attendance, or by giving up their time to the management of the corporation, reaped any thing except their self-imposed liability to make up the defalcation to which you have adverted in your answer 748, namely, a payment settled among themselves to the amount of 1,100*l.* a year?—They have reaped no advantage that I am aware of, and the other was perfectly gratuitous.

994. In consideration of the bishops having conducted the management of the affairs of the corporation, did they consider themselves bound to the other members of that corporation, and to the cause of the church generally, to make up a defalcation in the accounts of an officer who, though not appointed by them, was brought principally under their cognizance?—I am aware they came to a very early decision on it; after the amount of the defalcation was known it excited great interest, and was very distressing to them.

995. The measures they adopted were entirely self-imposed or gratuitous, without any legal responsibility on their part?—Certainly, in my opinion.

996. Then, in point of fact, they have discharged the labour of the office, and for so discharging it have had to pay a fine of 1,100*l.* a year for the last four years?—Yes.

997. Mr. *Baines.*] I think you have said that the bishops have no patronage from their attendance at their courts under Queen Anne's Bounty fund; when you award to persons any sum that may be awarded to them, to any of the poor clergy, by whom are those persons named who are to be brought under consideration?—By lot, as has been explained.

998. That is the way it is decided; but who names the persons?—The living is named, and that depends on its coming within the amount, at this present time for instance, of between 50*l.* and 60*l.* a year; all livings between 50*l.* and 60*l.* a year, supposing the plan of lot was to go on, would have an equal chance; there is an account made out of all the livings returned by the bishops between 50*l.* and 60*l.* per annum; they are regularly drawn out by lot till the lots are all exhausted.

999. Can there be no preference given, but must it depend entirely on the amount of the living in order to know whether they are to be put in a situation to receive a benefit, if the ballot gives them that benefit; or must the name be mentioned by some persons, and if so, by whom?—The return of all livings capable of augmentation is made by the bishops to the board.

1000. Might it not happen that supposing there were laymen that formed the board as well as bishops, that the laymen might take the mentioning of such names, and in that way have the kind of patronage that arises from putting persons in

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nomination as recipients of the bounty from this fund?—I humbly submit that there could not be a better plan than that adopted at present.

1001. I ask the fact; is not that so?—I mean, if laymen were acting there, and wanted to know what livings there were between 50*l.* and 60*l.* a year, I should have thought, till the Ecclesiastical Revenues' Return came out, which is quite a new thing, the best mode they could take to find that out would be to get from the bishops of the several dioceses that fact.

1002. But not having that return, the mention of the candidates for this bounty took place by the acting governors, and those governors were bishops?—Yes.

1003. Then the answer that was given to the Honourable Baronet's question, whether they had any patronage or not, was, that they had no patronage; in point of fact, however, they had all the patronage, because they were the persons to nominate the parties that were to receive this bounty?—They are trustees for administering it merely.

1004. Be so good as to explain the process?—I will confine myself to the lot.

1005. *Chairman.*] Are the livings augmented at the judgment of the bishops, o rby any rule?—By rule under the King's sign manual.

1006. Sir *Harry Verney.*] Do you know if the bishops or the members of the board decide whether livings ought to receive augmentation from Queen Anne's Bounty?—By lot or benefaction, do you mean?

1007. Whatever way you think will make it most clear?—Then by lot; the King's rule says that all livings between 50*l.* and 60*l.* are to be augmented by lot.

1008. Mr. *T. Duncombe.*] But they have not been augmented by lot, but by the caprice or the discretion of the bishop?—No, I did not say that; the bishops make a return of all the livings which are augmentable, and from that list those are taken out which are between 50*l.* and 60*l.* a year, which are those now according to the present King's rule that are augmentable by lot.

1009. Mr. *Baines.*] Do the bishops *quasi* bishops make that return, or as governors of Queen Anne's Bounty?—As bishops.

1010. Mr. *T. Duncombe.*] How are the lots drawn?—The name of the lot is written upon a piece of paper and put into a box, and so many are drawn as there is money to give away at that time.

1011. Then, when livings of a superior amount than 50*l.* are augmented, at whose discretion is that to select those livings?—Then you have done with the lot; there are proposals that come in every year from different persons who want to give a benefaction to a living, and to get Queen Anne's Bounty to meet it, and I make out about Easter a list of all those livings for which benefactions have been offered, and I arrange them in the order of population; the governors appoint a meeting specially to examine those lists, and to point out to the governors such of them as they think the most deserving of augmentation, and they make such return with reference to the amount of money the governors have to dispose of.

1012. Mr. *Baines.*] Then the committee is appointed by the governors, and the governors make the selection of those persons whom they think the most fit to be recipients of this bounty?—I assure you that it is strictly a selection of livings, not of persons; I do not think that the word "Persons" applies.

1013. The governors have the power of selection among those returned to them by you?—Upon the committee's report they take them into consideration, so that they are twice sifted; they give so much to meet a benefaction as they think the living ought to have with reference to the amount they have to give away, controlled by the King's rule; they keep within that.

1014. Sir *Robert Inglis.*] Are the Committee to understand the first object of the Bounty is to raise livings between 50*l.* and 60*l.* a year?—It was till last March 1836.

1015. And that the second object has been to raise livings above 60*l.*, but that in such cases the party applying for the increase of the value of a benefice must be prepared to tender a certain sum to the governors of Queen Anne's Bounty, in order to receive a certain proportionate sum to meet the same?—Yes.

1016. And are the Committee to understand that a list of all such tenders is drawn up by you, specifying the livings so proposed to be increased?—Yes, and all the circumstances attending them.

1017. And that such list is submitted to a committee appointed for the purpose, who report thereon?—It is.

1018. And

1018. And that the board finally decide on reference, not to the persons who may be incumbents, but to the livings so examined and sifted by the committee?—According to the livings.

1019. According to the population and the value of the livings in the first instance, and the sums tendered to increase their value?—Yes, and other circumstances.

1020. Mr. *Baines*.] In their discretion?—The other circumstances are these; as to a living having had a large sum before, where a living *pari passu* in all other respects had not had any or a smaller augmentation, the latter would be considered as a preferable object.

1021. Sir *Harry Verney*.] You also decide with reference to the sum you have to give away?—Yes, I have said so.

1022. Mr. *Baines*.] Then is the result of this inquiry that you make a return in the first instance of the number of persons who have made proposals for the obtaining this augmentation?—Yes.

1023. And that your return is accompanied by such statements as to population and other circumstances as you think it proper to bring under the consideration of the governors?—Yes, I make it out in the most correct way, from the information I have, to enable them to form a correct judgment.

1024. Then they appoint a committee, which committee determines the livings that shall be preferred in that selection?—They recommend the livings out of the lists.

1025. And then that the governors, taking the whole body then assembled, determine whether that recommendation shall be adhered to, or whether it shall be altered?—Certainly.

1026. So that ultimately the decision is (subject to those rules that you have mentioned) in the persons who attend at the courts of the governors?—Yes, certainly.

1027. What do you consider the maximum amount at which livings can receive the benefit of such augmentation?—Two hundred a year by benefaction.

1028. Any living up to the amount of 200 *l.* a year can receive the benefit of the augmentation from Queen Anne's Bounty?—Yes, if in the case of a benefaction.

1029. Sir *Robert Inglis*.] You do not mean a living of 200 *l.* a year can be augmented, but one of 199 *l.* can up to 200 *l.*?—Yes.

1030. Mr. *Baines*.] Then any living less than 200 *l.* a year can be augmented by Queen Anne's Bounty?—Yes, by benefaction up to 200 *l.*

1031. Is there any preference given to a small living, say a living of 60 *l.* a year, over one of 100 *l.* a year, in the administration of this fund; or is the living that is of the value of 100 *l.* as likely to receive augmentation as that of 60 *l.*?—Certainly not, because, in the case of a benefaction being offered to a living of 60 *l.* a year, all the other circumstances being the same, and to one of 100 *l.* a year, the one of 60 *l.* would attract the attention of the committee and of the governors sooner.

1032. It might attract their attention sooner; but supposing from any cause the committee should have a preference, could they bestow it upon the 100 *l.*, and pass over the 60 *l.*?—The rule would not prevent it, it must be their discretion to do it.

1033. Then can you account for the circumstance of there being at present upwards of 290 livings of the value of less than 50 *l.* a year?—I attempted to do that in my former examination.

1034. You said at that time it was necessary you should have some time to consider of it, to give a more specific answer?—No; I think the answer I gave was, that if you could give me the name of any particular livings, I would say why they had not been augmented as well as others of that value.

1035. The names you will find in the Return made by the Ecclesiastical Commissioners, and published by the authority of Parliament; if you will be so good as to refer to those, you will find every living specified, and its amount, in that return of the description meant; and the Committee would be glad to know why those livings have not been augmented, seeing they stand so much in need of it?—It certainly does happen, and I will tell you in addition to my former answer, that the governors have the power now to apply part of the money appropriated to the augmentation of a living in building a house for the residence of the incumbent, or

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adding to a house; that is frequently resorted to, and it decreases the income of his living to the extent of the interest of the money so applied.

[*The Witness read an answer from Evidence of a former day.*]

1036. Is any living that is held in plurality augmented at any time; supposing an incumbent to hold two livings, one of them of the value of 200 *l.* and the other of 60 *l.*, could there be an augmentation of the living of 60 *l.* while it was held in plurality with that of 200 *l.*?—There may be some exceptions, but I should say generally the circumstances of the incumbent have not any weight with the governors; it is the circumstances of the living, not of the incumbent.

1037. Then supposing a person to hold a living of the value of 800 *l.* a year and 60 *l.* a year, that living of 60 *l.*, reference being had to the living, and not to the person, would be subject to augmentation, and would enjoy the same advantage in the way of augmentation as a person only holding a living of 60 *l.* a year?—It certainly might.

1038. Sir *R. Inglis.*] Do you know any instance of it?—No, it is not a point that comes before the governors.

1039. Do you believe there is any instance with which you could supply the Committee?—I have no doubt there are many instances of it.

1040. Mr. *Greene.*] The object of the governors is to augment the livings?—Yes.

1041. Sir *H. Verney.*] Is not that one of the circumstances which you would represent to the Committee?—It does not come before me sufficiently; I should not be able to do it; the living comes before the governors as an augmentable living, and all the circumstances they think necessary are stated, but that is not one.

1042. Do they never take the circumstance of individual clergymen into consideration?—With some exceptions, I should say no.

1043. Sir *Robert Inglis.*] *Cæteris paribus*, would not the governors give the preference to a living of 60 *l.* a year held alone to a living of 60 *l.* year held in conjunction with one of 200 *l.* or 800 *l.*?—I have no doubt if those two cases were placed in juxtaposition, they would give the preference to the one where the incumbent had no other living.

1044. Their object being to increase the living, and not to benefit the incumbent for the moment; the fact of a living being held in plurality does not necessarily exclude such living from the benefit of Queen Anne's Bounty?—No.

1045. Mr. *Greene.*] The fact of their being held in plurality does not come before the board at all?—No, it does not.

1046. Suppose one of the livings to be held by a person of otherwise competent fortune, would that be taken into consideration?—No, I never heard of it; it is the poverty of the living, not the circumstances of the incumbent.

1047. Mr. *Baines.*] As to the conveyances made of the property that is applied to the augmentation of small livings, are they made economically, or are they made in a way that may be incident to some expense that would not attend conveyances in the ordinary way?—I think they are made economically, for there is a scale of charge that is considerably less, I believe, than would be charged by a solicitor in the ordinary way of preparing a conveyance.

1048. Would you do us the favour at the next meeting, if it comes within your province, to supply us with the bills of 20 cases of conveyances for the last 20 purchases that have been made by the Augmentation Fund?—Yes, I will; I have got two bills of 1835, would they answer the purpose?

1049. Mr. *T. Duncombe.*] Are they all the same?—Precisely the same; they are done by a scale which I can show you.

[*The Witness laid some Papers before the Committee.*]

Mr. *George Gunthorpe*, again called in; and further Examined.

Mr *G. Gunthorpe.*

1050. Mr. *T. Duncombe.*] YOU were to render us an account of your fees?—I have sent it to the Home Office.

1051. What is the amount?—I do not remember; I sent it to the Home Office.

1052. Can you say about how much?—Between 200 *l.* and 300 *l.*

1053. You told us the other day it was not 100 *l.*?—I am now talking of the whole; that was on the process.

1054. What

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1054. What is your place worth?—Between 200 *l.* and 300 *l.* a year; that is, not taking into consideration the receiver's.

1055. Your individual place?—As sworn clerk in the remembrancer's department.

1056. Your place is worth 200 *l.* or 300 *l.* a year; what else is there besides?—There is the receiver, that is, a private salary from the receiver.

1057. Sir *Robert Inglis.*] That is a private matter between you and him?—Twenty pounds, and the rest is a matter between him and myself.

1058. Mr. *T. Duncombe.*] Do you decline mentioning it?—I have sent it to the Home Office; as the order said, "and all other contingencies."

1059. Your fees are 300 *l.* a year?—Between 200 *l.* and 300 *l.*

1060. Is it 210 *l.* or 290 *l.*?—Upon my word, I cannot answer exactly.

1061. Then I request you will furnish us with the return of the fees on the next meeting for the average of three years?—Will not the return made to the Home Office be sufficient?

1062. Mr. *T. Duncombe.*] No, I want the fees of each year, for the last three years, that you have received.

[*The Witness directed to furnish it.*]

1063. Mr. *T. Duncombe.*] Whom is your private arrangement with?—Between Mr. Arbuthnot and myself.

1064. He gives you a fixed sum, which is arranged between you and him?—Yes.

1065. Is there any division of spoil?—Mr. Arbuthnot has a fixed salary under the patent, and it is a private arrangement.

1066. Do you decline communicating it to me?—I have communicated it to the Home Office; it is under contingencies.

1067. What is it?—Eighty pounds in addition.

1068. That is, 100*l.*, 80*l.* and 20*l.*; then your place is worth 400*l.* a year?—No, not so much as that.

Christopher Hodgson, Esq., again called in; and further Examined.

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1069. Mr. *Baines.*] WHO pays the expense of those conveyances?—The governors.

1070. Can you say whether a material saving might not be made in the conveyance by the mode that is adopted in canals and railways and gas works, by which such conveyance might be effected, and in that way a very considerable saving to the governors accomplished?—I think it might; it is rather a legal question, but it seems to me that where there is so much of the same form, that something of that kind might be adopted; it is what I never considered before; the exemption from the stamp-duty is a thing I have frequently proposed, and the governors sent in a memorial to the Chancellor of the Exchequer last year when a new Stamp Act was expected.

1071. The purchases are generally about 400*l.*, are they not; then 27*l.* 16*s.* would be the amount?—I cannot tell, I think they vary; perhaps you may take the average of the purchases at about 500 *l.*; I am guessing at it, rather than giving any direct evidence of it.

APPENDIX.

Appendix, No. 1.

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COPY of the ROYAL INSTRUCTIONS given to the COMMISSIONERS for taking the "VALOR ECCLESIASTICUS," in the time of HENRY the Eighth, for the rating of FIRST FRUITS AND TENTHS.

INSTRUCTIONS devysed by the Kynges Highnes by the advyse of his counsaylle for knowlege to be had of the hole true and juste yerely values of all the possessions maners londes tenūts hereditaments and pssets aswell spuall as temporall apperteynge to any maner of dignytie monasterie priorie church collegiat church conventuall psonage vicariage caunterie fre chapell or other dignytie office or pmocion spuall within this realme Wales Cales Berwyk and Marches of the same aswell in places exempt as not exempt which his pleasure is that such as shall have charge by his comyssion to survey the same shall effectually with all uprightnes and dexterite folowe and ensue as they wull answer unto his magestie at theire pells.

FYRST YT YS ORDEYNED that severall comyssions shall be made unto evy dioces shire and place within this realme and into Wales Cales Berwyke and the Marches of the same where it shall pleas the Kynges highnes to lymyte and appoynte and to such nombre of psones as shall please his Magestie to assigne and that to evy of the same comyssioners theis articles assigned with his Gracys hande shal be annexed.

ITEM that the commissyons after the sight of the comission with these artycles annexed shall first sende for suche and so many of the bushoppys and archideacons scribes and ministers within the lymytts of their comission as they shall think mooste convenyent for knowlaige to be hadd of the nombre and namys of all denryes rurall within the lymytt of ther comission and in whoys dioces or jurisdiccon the said denries ben And howe many dignities cathedrall churches colleigiatt churches colleiges hospytalls monesties priores houses religiouse psonags vycarigs chauntis frechapells or other pmocons spuall byn within the lymytts of evy denry or elswhere within the lymytts of ther comission.

ITEM after the said comissions by examynacon of the regesters and other ministrs shall have knowlege of the nombre and names of all the denries within the lymytts or ther comission and in whois dioses or jurisdiccon they byn and of the nombre and namys of all the dignyties monasties priores benefic' and pmocons spuall within the lymytts of evy denrye or ells where within the lymytts of ther comission then the said comissions shall devide them selfys by thre and thre in nombre or by any other nombre above three by ther discrecons allottyng to evy nombre so devided so many denries rurall and other distinct placys within the lymytts of ther comission as they by ther assentts shall think convenyent And that evy suche nombre soo devided shal wihall diligence wtout favor mede drede or corruppcon enquyer serche and knowe of the hole and yerly values of all dignities cathedrall churches collegys churches collegiat houses conventuall hospitals monesties priores relygyouse houses prebends personags vicarigs chauntis frechappells and all other cures offic' and pmocons spuall what name or nature so ev they bee within the lymytts of ther charge to them allotted as well in placys exempte as nott exempte And in whois dioses or jurisdiccon they ben and for true execucon of ther charche in this behalf shall examyn suche incumbentts ther receyvours and auditours by ther othes and also se and veu suche regesters books of accompt Ester boks & all other writings as by ther discrecons shal be thought convenyent and reasonable for sure declaracon of the pmises and ov that use all suche other ways and menes whereby the true and just yerly values of all the said dignities cathedrall churches collegiate churches collegs hospitalls houses conventuall abbeys monesties priores houses religiouse prebendys psonags vicarigs benefics cures officis chauntis frechappells and other pmocons spuall may playnly and distinctly appere without any man concelament therof usyng themselfes after the order man and forme as in thes articles next ensuying ys mencyoned and declared makyng a playne boke therof after the auditours fashyon accordyng as shal be explffid in the last of the said Articles underwritten.

ITEM is ordered that if the See of any archebushop or bushop be within the lymytts of ther comission then the comissions or thre of them whereof the bushop shalbe one shall first by suche meanes & ways as ys above mencioned serche and knowe the hole & entyre yerly value of the archebushopricke & bushopricke where the comission ys directed aswell in spualltes as temporalltes what so ev it be that ys to saye how mych yn yerly value belongith to the said archbushoprick or bushoprick in castells honors manrs londs tenūts demenes rents fermes possessions and other temporall pfitts what so ev ytt be and how miche belongith to the said archebushopricke or bushopricke by reson of the spualties

spualties and spuall jurisdiccon coibs annis and in what sheres townes and placys the castells honors manns londs tents demeanes fermes rents possessions and other temporell pffytts belonging to the said archebushoprick or bushoprick lyen or ben And ther distinct & sevall yerly values and the title name and nature of the yerly pffytts that apperteyne to the said archebushopricke & bushopricke by reson of hys spualties & spuall jurisdiccon and ther sevall yerly values coibs annis And what yerely and ppetuall rents pencons & fees be paid oute of the same that is too say such rentts & pencons as be yerely paid to evy pson or body politique to theyr heyers & successours and none other and suche fees as be yerely paid for receyvors bailiffs auditors stuards chauncelour maist of the rolls justice shrife or other offycer of recorde for temporall justice and none other and the name of the psons to whome such annuall and ppetuall rentts pensions and fees be yerly paide.

ITEM to serche enquyer and knowe the nombre namys and ctentie of all the manns londys tents demeanes fermes rentts possessions psonagis porcons pencions tythes oblacons and other profytts what so ev aswell spuall as temporall appteyning or belonging to the cathedrall churche or monastie where the see of the archebushop or bushop to whome the comission ys directed ys and in what sheres townes hamletts and placis the said manors londs tents demeanes rentts fermes possessions psonags porcons pencons tythes oblacons or other pffytts lyen and ben and the hole and entire distinct & sevall yerely values of them and the true ctentie of the annuall & ppetuall rentts pensions and almes and also feez for receyvors bailiffs auditours and stuardys and none other offics yerely gyvyn and paide out of the same And the namys of the said offics to whome such fees ben appoynted And the names of the psons for whose soules such almes ys yerely destributed and the names of the psons or placis whereunto or to whome suche annuall and ppetuall rentts or pencons be yerely resolute or paid.

ITEM TO ENQUIER serche and knowe the names of the deane or prior of the said cathedrall churche or monastie of the names of the subdenes supprior tresourer residenser chaunter sexten almon hospiteler bowser and of evy other pson that hath any dignitie pbend vycarship peticannonship or other office chauntie cure or pmocon spuall in succession in the said cathedrall church or monastie And the distinct nombre and names of evy such dignitie prebend vycarship peticannonship office cure chauntie and pmocon spuall whiche hath ben accustumed to be and goo in succession in the said church or monestie and the distinct yerely value & pfitt that belongith and ys lymytted to the dignitie of office of the sayd deane prior subdeane supprior tresourer residenser chaunter sexten hospyteler bowcer or to any other dignitie pbendary vicarship peticannonship or other office chauntie cure or pmocon spuall that gothe in succession in the said cathedral churche or monastie.

ITEM TO SERCHE and knowe the nombre and namys of evy archidiaconry and denris rurall within the lymytts of ther comission as well in placis exempt as not exempt and in whos dyoces or jurisdiccon they lien and the hole and entire yerly value of evy of them as well in spuallties as in temporallties yf any be and the nombre namys and ctentie of the temporallties yf any be and where they lien and their distinct & sevall yerly values and the names nombre & nature of the spualities & ther sevall yerely values coibs annis and what annuell and ppetual rents pensions and fees for receyvours bailyffys auditors and stewards only and none other officers ben yerly accustumed to be resolute & paid oute of any of the said archidiaconries or denries rurall and the namys of the psons to whome suche rentts pensions and fees ben yerely paid.

ITEM TO SERCHE and knowe the nombre and names of evy colleige founded & edefied within evy denry rurall or ellswhere within the lymytts of ther comission as well in placs exempt as not exempt and in whois dioces and jurisdiccon they byn And the nombre namys and ctentie of the mans londs & tents demeanes rents fermes possessions psonages porcons pensions tithes oblacons and all other pfits aswell spuall as temporall aptenyng to evy suche colleige and churche collegiate And in what sheres townes hamelets or placys the said manrs londs tents demenes rentts fermes possessions porcons pensons psonages tithes oblacons and other pfitts lye & be And the hole and entire distinct and sevall yerly values of them and the true ctentie of the annuell and ppetuall rents pensions almes and fees for receyvours bailifys auditos stewardys and none other offycs yerly gyvyn and paide oute of the same and the names of suche offics to whome such fees ben appoynted And the names of the psons for whois soules such almes is hereby given And the names of the psons or placys wherunto or whom suche annuell and ppetuall rentts or pensions ben yerly paid.

ITEM TO KNOWE and serche the names of the deanes subdenes maists pvests prebendaris felowes brethern chauntie pstis and evy other spuall pson that hath eny dignytie prebend pety cannonship vycarigeship cure office or other pmocon spuall whiche goith by succession in any such colleige or church collegiat. And the names of suche dignyties prebends vicarshippys peticannonshippys chauncies officis cures and pmocons spuall and the distinct yerly value and pfytt that belongith and is lymytted as well to the deane maister provest or chef hed of suche colleige or churche collegyatt as to evy other dignitie prebend vycarship petycannonship office followship chauntie cure or pmocon spuall which hath succession yn evy such colleige or church collegiatt.

Appendix, No. 1.

ITEM TO SERCHE and knowe eᵛy hospytall house and place conventuall of eny secular ꝑsts or laye brethern within eᵛy denry or ells where within the lymytts of ther cõmission as well yn placis exempt as not exempt and in whos dioses and jurisdiccon they ben and the nombre namys and cẽtentye of all the mañs londys and teñs demeanes fermes rents possessions ꝑsonagis porcons pensions tithes oblacons and all other ꝓfytts as well sp̃uall as temporall appteynyng or belonging to eᵛy suche hospytall or place conventuall and in what sheres townes hamlletts and placys the said mañs londys teñts demeanes rentts possessions personags porcons penc̃ons tythes offerings and other ꝓfytts lyen and ben and the hole and entire distinct and seᵛall yerely values and the true cẽtentie of the annuell and ꝑpetuall rentts pensions almes and fees for receyvours bailyfys auditors and stewardys and none other offics yerely gyvyn and paid oute of the same and the names of there said offycers to whome suche fees ben assigned and the names of the ꝑsons for whose sowles suche almes ys yerly gyvyn and the names of the ꝑsons or placys wher unto or to whome suche rentts or pensions ben yerly payde.

ITEM TO SERCHE and knowe the name of the maister ꝓvest or other chefe goᵛnour of suche hospitall or place conventuall and what yerely rentt or ꝓfitt to hys dignytie and office distinctly belongeth and ys lymytted and of eᵛy other ꝑson that hath eny other dignytie fellowship brothership justship office chauñtie cure advantage or other ꝓmocon sp̃uall that runyth and goith by succession within any such hospitall or place conventuall and the names and nombre of eᵛy suche dignitie feloship brothership sustership office chauñty cure advantage or ꝓmocon sp̃uall and what yerely ꝓfytt or advantage belongith or ys lymytted to eᵛy suche dignitie feloship brothership sustership office cure or other ꝓmocon sp̃uall within eᵛy suche hospitall or place conventuall.

ITEM TO SERCHE and knowe the nombre and namys of eᵛy abbey monastie priory and house relygiouse and conventuall as well charthouse as other founded and edefied within eᵛy denry or ells where within the lymytts of ther comission as well in placys exempt as not exempt and in whois dyoces and jurisdiccon they ben and the nombre namys and cẽtentie of all the mañs londs teñts rentts fermes possessions ꝑsonages porcons pensions tythes oblacons and all other ꝓfytts as well sp̃uall as temporall appteynyng or belonging to eᵛy suche abbey monastie priorie or house religiouse and in what sheres townes hameletts and placis the said mañs londs teñts demeanes rentts fermes possessions ꝑsonages porcons pensions tithes oblacons and other ꝓfitts lyen and ben and ther hole and entire distinct and seᵛall yerly values and the true cẽtentie of suche annuell or ꝑpetuall rents penc̃ons almes and fees for recyvours bailifis auditõs and stuardys only and none other officers yerly gyvyn and paid oute of the same and the seᵛall names of the said officers to whome suche fees be lymytted and the names of the ꝑsons for whos soules suche almes ys destributed and gyven and the names of the ꝑsons and placis whereunto and to whome such annuell and ꝑpetual rents and pensions ben yerely paide.

ITEM to serche and knowe the name of the abbott abbes prior or prioresse or other chefe goᵛnor of suche relygiouse houses And the names of the supprior or supꝑoresse sexten selerer almoñ bowser hospyteler munke baylyfe chanon bailife and eᵛy other sp̃uall ꝑsons that have any distinct dignitie office cure chauñtie or ꝓmocon sp̃uall that goith in cẽtentie by succession in any suche abbey monastie priorie or house religioux And the distinct names of suche officys cures chauñties or ꝓmocons sp̃uall and there yerely value and ꝓfytt that belongeth as well to the abbott prior abbes prioress or other chefe goᵛnour as to the supꝑor or suppriores selerer seleres sexten hospytyler almoñ bouser munke bailyfe chanon bailife or to any other havyng office cure chauñtie or ꝓmocon sp̃uall that goith in cẽteyn succession within any suche abbey monastie or priory or house relygyouse.

ITEM TO SERCHE and know the nombre and names of eᵛy p̃sonage vicarige chauñtie as well mortized as other and frechapell within eᵛy denry or ellswher within the lymytts of ther comission as well in placis exempt as not exempt and in whois dioses or jurisdiccon they lyen And the true and entire yerely value of all the lands teñts glebes demeanes rentts possessions tithes offerings porcons pensions and all other ꝓfetts as well sp̃uall as temporall belongyng to eᵛy suche ꝑsonage vicarige chauñtie or ells frechapell wheresoeᵛ suche londys teñts rents possessions tithes offeryngs porcons pensions or other suche ꝓfyttys as ys aforesaid lyen or ben other in the towne where suche p̃sonage vicarege chauñtie or frechapell ys sett and foundyd or elswhere within any other towne or place and in what shire towne or place and ther distinct seᵛall and yerly values and the true cẽtentie of the annuell and ꝑpetual rents pensions and synods & ꝓxis paide and yerely goyng out of such p̃sonags vicarag̃s chauñties and frechapells and to whome such rentts pensions synods and ꝓxis ben yerely payde.

ITEM Finally after the true and juste yerely values of all the dignities benefic̃s offic̃s cures and other promocons sp̃uall afore rehersed examyned and known then the said comissiõs to whome comission shalbe directed shall cause to be made a fayre boke after the auditours fasshyon putting first in the hed thereof the name of the archebusshoprick or bushopruck where the comission ys directed yf the see be within the lymytts of ther comission and the hole and entire yerely value thereof lyke as before ys mencyoned in the article concernyng the same with the deducc̃ons to be resolute that ar mencyoned in the said article and none other and then next after that to putt the name of the cathedrall churche

or

or monastie where the see of the archebushopricke or bushopricke ys and the nombre or namys of all suche dignities pebends offycys cures chaunties and pmocons spuall whiche be in succession in the said cathedral churche or monastie and as well the hole and entire yerely value of the said cathedral churche or monastie as the pticuler yerely pfytt that belongeth to evy of the said dignities prebendys offics cures chaunties and distinct pmocons spuall in the same with the deducons to be resolute oute of the same as ys mencyoned in the article above specyfied concyning the same and then next after that to put the nombre and names of evy archidiaconry and denry rurall within the lymytts of ther comission and in whose dioces or jurisdiccon they be and their sevall and pticular yerely values and deducons lyke as is mencyoned in the article concnying the same and next after that to put evy colleige churche collegyatt hospytall abbey monastie priorie house relegiouse psonage vycarige chauntie frechapell and all other pmocons spuall under the title and name of the denry rurall where colleg churches collegiat hospitalls abbeys monasties priores psonags vicarigys chaunties frechapells and pmocons lyen and ben foundyd and theyr sevall and distinct yerly values with such deducons as ys above mencyoned in the articles afore written concernyng such dignities monasties prioris houses relygiouse churches benefics chaunties frechapells pmocons spuall and the nombre and names of all suche prebendys dignyties offic chauntis or other pmocons spuall what so ev they be in any the said colleg churches collegiat hospitalls abbeys monasties prioris or houses relygiouse and ther distinct sevall & yerly values as afore declared yn the said articles So that always under the title of evy denry rurall ther be conteyned all suche dignyties abbeys monasties priories houses religiouse benefics churches offics cures and pmocons spuall wheresoev they lyen or byn in the denry where they ben founded and edefied And yf any of them be out of the lymytts of all denryes then so to putt them by their selfys rehearsing their names and the places where they lyen and in whoys dioces and juridiccon with ther hole values and deduccons as ys afore lymyted added to evy of them distinct by them selfys. Appendix, No. 1.

FORESEING always that in the makyng of the yerely values of any man dignities monasties abbeys priores houses relygiouse prebendys benefyces chaunties frechapells or other pmocons spuall above rehersed there be made an hole and entire value of evy of them by them selfys and nothing to be allowed ne deducted oute thereof for repacons fees svying of cures or any other causis or things whatso ev they be except only suche annuell and ppetuall rents pensions almes synods pxis and fees for offics as before specyally ys mencyoned in the articles aforewritten and after that the said boke be made then the said comissions shall ctyfe the same unto the Kyngs Exchequor under their sells according as ys lymytted by the tenour of the comission as they wyll aunswhere unto the Kyngs hyghnis att their uttmost parel to thentent that the tenth of the pemysis may be taxed and sett to be levied to the Kyngs use according to the Statute made and pvided of the graunte thereof.

MEM'RAND' that they the comissyoners devyded in nombre as ys aforesaid have sevally executed the effects of ther charge conteigned in these articles mencyoned that than all the hole nombre of the comissions namyed in the comission or the most parte of them shall assemble them selfyes and conferr all ther sevall bokys together, and annexe evy of them to theyr comission and thes instruccons and so to ctifie the same hooly and ynly togyther into the King's Exchequour at the day lymytted in ther commysson.

Appendix, No. 2.

2 & 3 Anne, c. 11.

AN ACT for the making more effectual Her Majesty's gracious intentions for the Augmentation of the Maintenance of the Poor Clergy, by enabling Her Majesty to grant in perpetuity the Revenues of the First Fruits and Tenths; and also for enabling any other Persons to make Grants for the same purpose. Appendix, No. 2.

Whereas at a Parliament holden in the six-and-twentieth year of the reign of King Henry the Eighth, the First Fruits, revenues and profits for one year upon every nomination or appointment to any dignity, benefice, office or promotion spiritual within this realm or elsewhere within the said King's dominions, and also a perpetual yearly rent or pension, amounting to the value of the tenth part of all the revenues and profits belonging to any dignity, benefice or promotion spiritual whatsoever, within any diocese of this realm, or in Wales, were granted to the said King Henry the Eighth, his heirs and successors; and divers other statutes have since been made touching the First Fruits and Annual Tenths of the Clergy, and the ordering thereof: And whereas a sufficient settled provision for the Clergy, in many parts of this realm, hath never yet been made; by reason whereof divers mean and stipendiary preachers are in many places entertained to serve the cures and officiate there, who, depending for their necessary maintenance upon the good will and liking 26 H. 8, c. 3.

Appendix, No. 2.

of their hearers, have been and are thereby under temptation of too much complying and suiting their doctrines and teaching to the humours rather than the good of their hearers, which hath been a great occasion of faction and schism and contempt of the ministry; and forasmuch as your Majesty taking into your princely and serious consideration the mean and insufficient maintenance belonging to the Clergy in divers parts of this your kingdom, has been most graciously pleased, out of your most religious and tender concern for the Church of England (whereof your Majesty is the only supreme head on earth), and for the poor Clergy thereof, not only to remit the arrears of your Tenths due from your poor Clergy, but also to declare unto your most dutiful and loyal Commons your royal pleasure and pious desire that the whole revenue arising from the First Fruits and Tenths of the Clergy might be settled for a perpetual augmentation of the maintenance of the said Clergy, in places where the same is not already sufficiently provided for: We, your Majesty's most dutiful and loyal subjects the Commons of England, in Parliament assembled, to the end that your Majesty's most gracious intentions may be made effectual, and that the Church may receive so great and lasting an advantage from your Majesty's parting with so great a branch of your revenue towards the better provision for the Clergy not sufficiently provided for; and to the intent your Majesty's singular zeal for the support of the Clergy, and the honour, interest and future security of the Church, as by law established, may be perpetuated to all ages, Do most humbly beseech your Majesty, that it may be enacted, and be it Enacted by The Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

Corporation erected.

authority of the same, That it shall and may be lawful for The Queen's most Excellent Majesty, by Her Letters Patent under the Great Seal of England, to incorporate such persons as Her Majesty shall therein nominate or appoint to be one body politic and corporate, to have a common seal and perpetual succession; and also at Her Majesty's will and pleasure, by the same or any other Letters Patent, to grant, limit or settle to or upon the said Corporation and their successors for ever, all the revenue of First Fruits and yearly Perpetual Tenths, of all dignities, offices, benefices and promotions spiritual whatsoever, to be applied and disposed of to and for the augmentation of the maintenance of such parsons, vicars, curates and ministers officiating in any church or chapel within the kingdom of England, dominion of Wales and town of Berwick-upon-Tweed, where the liturgy and rites of the Church of England, as now by law established, are or shall be used and observed, with such lawful powers, authorities, directions, limitations and appointments, and under such rules and restrictions, and in such manner and form as shall be therein expressed, the statute

1 Anne, Stat. ., c. 7.

made in the first year of Her said Majesty's reign, intituled, "An Act for the better Support of Her Majesty's Household, and of the honour and dignity of the Crown," or any other law to the contrary in anywise notwithstanding.

Statutes, &c. relating to First Fruits and Tenths to continue in force.

II. Provided always, and it is hereby Declared, That all and every the statutes and provisions touching or concerning the ordering, levying and true answering and payment or qualifications of the said First Fruits and Tenths, or touching the charge, discharge or alteration of them, or any of them, or any matter or thing relating thereunto, which were in force at the time of making this Act, shall be, remain and continue in their full force and effect, and be observed and put in due execution, according to the tenors and purports of the same, and every of them, for such intents and purposes nevertheless as shall be contained or directed in or by the said letters patents.

Proviso for all grants, &c. heretofore made.

III. Provided also, That this Act, or any thing therein contained, shall not extend to avoid or any way to impeach or affect any grant, exchange, alienation or incumbrance, at any time heretofore made of or upon the said revenues of First Fruits and Tenths, or any part thereof, but that the same shall, during the continuance of such grant, exchange, alienation or incumbrance respectively, be and remain of and in such force and virtue, and no other, to all intents and purposes as if this Act had not been made.

Persons may give lands, tenements or goods, &c. to the said Corporation,

IV. And for the encouragement of such well-disposed persons as shall by Her Majesty's royal example be moved to contribute to so pious and charitable a purpose, and that such their charity may be rightly applied; Be it Enacted, by the authority aforesaid, That all and every person and persons having in his or her own right any estate or interest in possession, reversion or contingency, of or in any lands, tenements or hereditaments, or any property of or in any goods or chattels, shall have full power, license and authority, at his, her or their will and pleasure, by deed, inrolled in such manner and within such time as is directed

27 H. 8, c. 16.

by the statute made in the twenty-seventh year of the reign of King Henry the Eighth for inrolment of bargains and sales, or by his, her or their last will or testament in writing, duly executed according to law, to give and grant to and vest in the said Corporation and their successors, all such his, her or their estate, interest or property in such lands, tenements and hereditaments, goods and chattels, or any part or parts thereof, for and towards the augmentation of the maintenance of such ministers as aforesaid, officiating in such church or chapel, where the liturgy and rites of the said Church are or shall be so used or observed as aforesaid, and having no settled competent provision belonging to the same, and to be for that purpose applied according to the will of the said benefactor, in and by such deed inrolled or by such will or testament, executed as aforssaid, expressed; and in default of such direction, limitation or appointment in such manner as by Her Majesty's letters patents shall be directed or appointed as aforesaid; and such Corporation and their successors shall have full capacity and ability to purchase, receive, take, hold and enjoy, for the purposes aforesaid,

said, as well from such persons as shall be so charitably disposed to give the same, as from all other persons as shall be willing to sell or alien to the said Corporation any manors, lands, tenements, goods or chattels, without any license or writ of *ad quod damnum*; the Statute of Mortmain, or any other statute or law to the contrary notwithstanding.

or sell, &c. any Manors, &c.

V. Provided always, That this Act, or any thing therein contained, shall not extend to enable any person or persons, being within age or of *non sane* memory, or women covert without their husbands, to make any such gift, grant or alienation; any thing in this Act contained to the contrary in anywise notwithstanding.

Persons excepted from making such gifts, &c.

VI. And whereas four bonds for four half-yearly payments of the First Fruits, as the same are rated, and also a fifth bond for a further value or payment in respect of the same First Fruits, have been required and taken from the Clergy, to their great and unnecessary burden and grievance; For remedy thereof, Be it Enacted and Declared, by the authority aforesaid, That from and after the twenty-fifth day of March in the year of our Lord One thousand seven hundred and four, one bond only shall in such case be given or required for the four payments of the said First Fruits; which said First Fruits, as well as the Tenths payable by the clergy, shall hereafter be answered and paid by them according to such rates and proportions only as the same have heretofore been usually rated and paid; and no such fifth bond already given shall from and after the said twenty-fifth day of March in the year One thousand seven hundred and four be sued or recovered.

One Bond only to be taken for the four payments of the First Fruits.

REPORT

FROM THE

SELECT COMMITTEE

ON

FIRST FRUITS AND TENTHS,

AND ADMINISTRATION OF

QUEEN ANNE'S BOUNTY;

WITH

THE MINUTES OF EVIDENCE

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
7 *June* 1837.

[*Price* 9*d.*]

38 a.

REPORT

FROM

SELECT COMMITTEE

ON

SURVEY OF PARISHES

(TITHE COMMUTATION ACT);

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
8 *May* 1837.

Jovis, 16° die Martii, 1837.

Ordered, That a Select Committee be appointed to consider the best mode of effecting the Surveys of Parishes for the purpose of carrying into effect the Act for the Commutation of Tithes in England and Wales.

And a Committee is appointed of—

Mr. Poulett Thomson.
Sir Edward Knatchbull.
Mr. Warburton.
Mr. Boldero.
Lord Viscount Ebrington.
Mr. Miles.
Mr. Lefevre.
Mr. Robert Clive.
Mr. Wrightson.
Sir Robert Ferguson.
Mr. Hawes.
Sir James Graham.
Sir Robert Price.
Mr. Rowland Alston.
Mr. Stanley (of Cumberland).

Ordered, That the said Committee have power to send for Persons, Papers and Records.

Ordered, That Five of the said Committee be the Quorum.

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THE MINUTES OF EVIDENCE - - - - - - - p. 11

REPORT.

THE SELECT COMMITTEE appointed to consider the best mode of effecting the SURVEYS of PARISHES, for the purpose of carrying into effect the Act for the Commutation of Tithes in *England* and *Wales*, and who were empowered to report their Observations thereupon to THE HOUSE, together with the MINUTES OF THE EVIDENCE taken before them:——HAVE considered the matters referred to them, and agreed to the following REPORT:—

IT appears from the Evidence of the Tithe Commissioners, who have been separately examined before Your Committee, That they consider it incumbent upon them to enforce the production of Maps of undoubted accuracy, before they can confirm any apportionment under the Tithe Commutation Act; That to secure Maps of this description, it will, in their opinion, be necessary to have them constructed upon the principles recommended by their Assistant Commissioner, Lieut. Dawson, R.E.; and that, owing to the probably defective state of the Parochial and Township Maps, as well as of the Estate Maps throughout the kingdom, new Surveys and Maps will be required in so many instances, for the purpose of the Tithe Commutation Act, as to render it a point worthy of the grave consideration of the Legislature, whether this be not a most convenient opportunity for carrying into effect a General Survey, at the national expense. These opinions are fully expressed in a Letter addressed to the Chancellor of the Exchequer by the Tithe Commissioners, dated the 18th of Feb. 1837, to which the attention of Your Committee has been naturally directed; and, although they are fully sensible of the weight to which any suggestions or recommendations coming from such authority are entitled, yet after an attentive consideration of the objects contemplated by the Tithe Commutation Act, they cannot arrive at the conclusion that any General Survey is necessary.

Vide Letter from Tithe Commissioners to the Chancellor of the Exchequer.

To explain more fully the views of Your Committee, it will be necessary, in the first instance, to call the attention of The House to the process of Commutation as prescribed by the Act.

The amount of the rent-charge to be paid in lieu of Tithes in a parish, is first to be determined either by voluntary agreement on the part of a majority of persons having two-thirds of the interest in the lands, and two-thirds of the interest in the great Tithes, and two-thirds of the interest in the small Tithes, or, in default of a voluntary agreement being entered into before October 1838, by a compulsory award of the Commissioners, founded on certain principles laid down by the Act.

The next process is, to apportion the amount so determined among the several properties on which it is to be charged; and this must be effected either by a voluntary arrangement amongst the Land-owners themselves, or by a compulsory apportionment, to be enforced by the Commissioners, in the event of no voluntary apportionment having taken place within six months after a voluntary agreement, or a compulsory award, has been made.

For the purpose of apportionment, it will be necessary, under the 55th clause of the Act, to value all the titheable Lands in the parish; to distribute the rent-charge into at least as many separate portions as there are separate properties in the parish; to make an award, apportioning the amounts on the several properties; and, lastly, to cause a Map to be made, which shall indicate such

properties with sufficient accuracy to enable parties to identify the lands which are respectively subject to the several amounts of rent-charge. This clause evidently contemplates a detailed Survey and Map; and it must be observed, that its provisions apply equally to voluntary and compulsory apportionments. But by a previous clause [35], it is enacted, that "the valuer or valuers or umpire (who have been previously chosen under section 32), may, if they think fit, use, for the purposes of this Act, any admeasurement, plan or valuation previously made of the Lands or Tithes in question, of the accuracy of which they shall be satisfied; and that it shall be lawful for the meeting at which such valuer or valuers shall be chosen, to agree upon the adoption, for the purposes aforesaid, of any such admeasurement, plan or valuation; and such agreement shall be binding upon the valuer or valuers; provided always, that three-fourths of the land-owners in number and value shall concur therein."

It would appear, therefore, from the clause above quoted, that as the Legislature has given this discretion, the functions of the Tithe Commissioners were intended to be ministerial, as far as respects the admeasurement, plan or valuation so adopted at this meeting. The Commissioners, however, state, that under the 63d and 64th clauses they cannot confirm an apportionment, unless accompanied by an accurate Map. The clauses are as follow:—

63. "And be it Enacted, That after such proceedings as aforesaid shall have been had, and all such objections, if any, shall have been finally disposed of, the Commissioners or Assistant Commissioner shall cause the instrument of apportionment to be ingrossed on parchment, and shall annex the Map or Plan thereunto belonging to the ingrossed instrument of apportionment, and shall sign the instrument of apportionment and the Map or Plan, and shall send both to the office of the Commissioners, and if the Commissioners shall approve the apportionment, they shall confirm the instrument of apportionment under their hands and seal, and shall add thereunto the date of such confirmation.

64. "And be it Enacted, That two copies of every confirmed instrument of apportionment, and of every confirmed agreement for giving Land instead of any Tithes or Rent-charge, shall be made and sealed with the seal of the said Commissioners, and one such copy shall be deposited in the Registry of the diocese within which the parish is situated, to be there kept among the records of the said Registry, and the other copy shall be deposited with the Incumbent and Church or Chapel Wardens of the parish for the time being, or such other fit persons as the Commissioners shall approve, to be kept by them and their successors in office with the public books, writings and papers of the parish; and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of two shillings and sixpence for such inspection, and after the rate of three-pence for every seventy-two words contained in such copy or extract; and every recital or statement in, or Map or Plan annexed to such confirmed apportionment or agreement for giving Land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such Plan."

These are Mr. Jones's words—

Ans. 335. "It is clear, I think, under the Act, that we are to have maps which are to be evidence; our seals are to make such maps evidence. On turning to the 64th clause of the Act, it would appear that they are to be so accurate as to be evidence, on the strength of our seals; and we are to have maps extending to all the titheable lands of England; and I have felt, all along, this was an opportunity of getting a general survey, at an expense which would not be great compared with the expense which must be incurred at all events; and we have also felt, that unless some aid and assistance be given to our commission in obtaining the maps necessary for us, we and our Bill shall be involved in great unpopularity. The 64th clause enacts, that every 'statement in or map or plan annexed to such confirmed apportionment

apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan.'"

And in another part of his evidence he states, in answer to the following questions:

"During the voluntary process, who is to bear the expense of that?— Certainly the Landowners must bear the expense; it will be a part of the expense of the apportionment. 371.

"You cannot compel them, until you commence on the compulsory process?—Unless they enter into a voluntary agreement, we cannot compel them to apportion; but we should require a correct map for ourselves, whenever an apportionment takes place. 372.

"You cannot compel them to make such map until you commence the compulsory process?—If they put themselves into our hands by agreement, we can; if they do not proceed to apportionment within six months, we can make the apportionment, and can direct the costs to be paid by the parties, and issue a distress for the amount." 373.

It is evident, therefore, as the law now stands, taking the construction put upon these clauses by the Tithe Commissioners to be the true one, that the Land-owners cannot escape from the expense of furnishing Maps or Plans which shall be satisfactory to the Commissioners even under a voluntary apportionment, although they may have decided upon the adoption of admeasurements, plans or valuations under the provisions of the 35th clause.

The Commissioners naturally anticipate great hostility on the part of the Land-owners to the operation of these clauses, which involve them in so much expense, and it is partly on this ground that they have suggested a Survey, a portion of the cost of which should be borne by the Public.

Your Committee, however, believing it to have been the intention of the Legislature that the Land-owners, under a voluntary apportionment, should be relieved in certain cases from the necessity of constructing new Maps, have no hesitation in recommending a modification of the 63d and 64th clauses. Mr. Jones has stated, in his answers to the following questions:

"What are the alterations you contemplate?—A repeal of part of the 63d and part of the 64th clauses." 444.

"Which are the portions of the Act which you think, in point of fact, should be repealed?—The whole of that clause which requires us to seal and deposit maps, clause 63; I think we ought to have some proper distinction made between the map and the other parts of the instrument of apportionment, that we might not be called on to approve the whole instrument of apportionment, which now consists of a map and plan; and also a part of clause 64, which declares that all certified copies are to be evidence of the accuracy of the plan." 446.

In cases of voluntary apportionment, where there are no existing Maps, or where the Land-owners cannot agree to the adoption of those Maps, or where they shall not have thought fit to fetter the valuers in making the apportionment, or where an appeal against an apportionment is made to the Commissioners, and in all cases of compulsory apportionment, where the responsibility of determining the value of Lands rests upon the Commissioners, or upon valuers acting under their instructions, they will have no alternative but to call upon the parties to furnish them with a detailed Map, constructed on a scale which will be satisfactory to themselves, and such as is required by the 55th clause. And Your Committee do not think it necessary to propose any further alteration in the Tithe Commutation Act than *that* before alluded to, as the expense of constructing new Maps may, in most cases, be avoided, by a voluntary arrangement entered into by the Land-owners themselves, which, as has before been stated, it was clearly the intention of the Legislature to encourage as much as possible.

The opposite construction put on these conflicting clauses with respect to the preparation and adoption of Maps and Plans, has, doubtless, operated as a serious impediment to voluntary commutation; and it would seem to be well worthy of the consideration of the Legislature, whether, on the introduction of a Bill for amending the Act of last Session, the period within which this voluntary settlement must be effected, might not be judiciously extended at least for twelve months.

Your Committee are not prepared to deny, that as far as showing the boundaries of each separate property, a Map appears preferable to any other mode of identification; that a description of an estate by metes and bounds is difficult without reference to measurements previously ascertained; and that it becomes an insufficient test of identity when the proof of that identity is most wanting, viz. when adjoining properties fall into the hands of the same owner, and the intermediate fences are altered or destroyed. It may also be true, that possible litigation may arise from the adoption of inaccurate Maps, and that if, after the lapse of years, names and descriptions of fields are changed, and their identity effaced, there may be prospective danger to the Church, as the tithe-owner may find it difficult to know where to distrain for his rent-charge, when it has become impossible for him to ascertain, from an inaccurate Map, the true position of the original boundaries. Mr. Jones states, that the Church would not suffer in a pecuniary point of view, owing to the absence of Maps,—

330. "Because (he says) I believe the rule of law is, that all lands are subject to tithe that cannot show an exemption; but there are certain higher objects connected with the Church, in which it would be exceedingly damnified; I can foresee a great mass of litigation, confusion and disputed rights in future time, which would arise from not having muniments and documents which showed satisfactorily what lands were liable to distress and entry, and what lands were not. I think that the Bill would be robbed of a great portion of its conciliatory character, if the avenues to that mass of litigation were left open."

Again:—

511 "Your peculiar object is a care for the Church?—Yes, in the particular point of view I have stated.

512. "Will not the Church have a right of entry unless cause is shown, and will not the onus of proof lie upon the land-owner to show that there is a trespass?—Yes, they will; but we believe the Church will be little benefited by that; a clergyman goes to drive off a sheep from a particular portion of land; the land-owner says, 'That is exempt from tithe;' the clergyman says, 'It is upon you to prove that;' and then they go to law. It will be a poor satisfaction to the Church or the public during that litigation to be able to say the onus lies on the Land-owner."

On the other hand, it must be remembered, that the metes and bounds of glebe-lands have been preserved by terriers and other means, from the Reformation down to the present period, and that estates have been conveyed again and again merely by a description of the lands in a particular or schedule. Moreover, the anticipated difficulties, as far as they affect the Land-owners, will naturally occur to those individuals who compose the meeting where the valuers are chosen, and will doubtless receive from them due consideration: and so far as respects the tithe-owner, they do not appear to be of sufficient magnitude to justify Your Committee in recommending that this discretion should be withdrawn from the Land-owners.

The Committee must here advert to the probability of the redemption of lay tithe; and as it has been stated, as a conjecture, to Your Committee, that it would only be necessary to map two-thirds of England for the purpose of the
388. Tithe Commutation Act, and as the amount of lay tithe is estimated at two-
450 fifths of the whole, an additional reason occurs for not imposing upon the
451. Country the expense of a General Survey for the purpose of the Tithe Commutation Act, or upon the Land-owners the burthen of mapping a great portion

portion of land, when it is evident that such Maps and Plans will cease to be requisite after such redemption of tithe under the future sanction of the Legislature.

With regard to Parishes wholly tithe-free, or in which no proceedings can be taken under the Tithe Commutation Act, the Committee have no authority to express an opinion as to the propriety of surveying or mapping them. They consider themselves equally precluded, by the terms of their appointment, from the consideration of the expediency of a National Survey, on the other grounds which have been suggested both in the Evidence, and the Letter of the Commissioners before referred to.

In all cases where Maps are required for the purposes of the Tithe Commutation Act, Your Committee have no reason to doubt that the arrangement recommended by the Tithe Commissioners may be advantageously adopted; and they do not hesitate to recommend that those Maps should be constructed on such a scale as will admit of their accuracy being tested with facility, and will allow of their being easily combined, if necessary, into one General Map.

Your Committee, in offering their recommendation for the specific alterations in the Tithe Act which they have stated above, must, however, at the same time, submit their opinion to The House, that it is highly expedient that the changes should be strictly limited to the objects specified by them. They should deeply regret that the introduction of a Bill, intended simply to render the letter of the Act conformable to the spirit in which they conceive it to have been framed, should be made the occasion for re-opening the general question, or afford the opportunity for raising doubts in the minds of the Public with regard to the general provisions of the Act.

May 1837.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 23° die Martii, 1837.

MEMBERS PRESENT.

Mr. Shaw Lefevre.	Sir James Graham.
Mr. Alston.	Mr. Wrightson.
Mr. Stanley (Cumberland).	Mr. Robert Clive.
Mr. Poulett Thomson.	

Mr. Shaw Lefevre called to the Chair.

Order of Reference read.

The Committee deliberated on the course of their future proceeding.

Ordered,—That William Blamire, Esquire, and Captain Buller, two of the Commissioners for carrying into execution the Tithe Commutation Act, do attend this Committee on Tuesday, the 4th of April next, at 12 o'clock.

Martis, 25° die Aprilis, 1837.

MEMBERS PRESENT.

Mr. Shaw Lefevre in the Chair.

Sir Robert Ferguson.	Sir James Graham.
Mr. Wrightson.	Mr. Robert Clive.
Sir Edward Knatchbull.	Mr. Stanley (Cumberland).
Mr. Warburton.	Mr. Poulett Thomson.
Mr. William Miles.	

Lieutenant Dawson was again called in, and Question 657 and also his Answer given on the 5th instant were read:—

Q. In your original answer, the word "Commissioners" stood in the answer after the figures "26"; the word "Commissioners" was subsequently struck out; what explanation do you give of having done so?

A. I consider that in the first answer I gave, I did not use the word "Commissioners"; but if I did use that word, I request to be allowed to erase it, to make it consistent with an answer I gave to question 676. I look upon the parties to be distinctly surveyors, and only as such.

The Committee agreed, That the word "Commissioners" should be erased in Lieutenant Dawson's answer to Question 657.

The Witness withdrew.

Letter from Lieutenant Dawson, requesting to be allowed to make an addition to his Evidence at the end of answer to Question 576, as follows: "But I have myself minutely and critically examined the townland maps of four counties, and can vouch for their accuracy in every respect."

The Committee agreed to the insertion of those words in Lieutenant Dawson's Evidence.

PROCEEDINGS OF THE COMMITTEE—*continued.*

Question proposed, (Mr. Warburton)—

"That Mr. Richard Dickson, surveyor, of Furnival's Inn, be called in and examined, for the purpose of testing, by computation of areas and lines measured on the ground, the accuracy of parish surveys and plans, assumed to be on a scale of at least four chains to an inch."

Question put;—The Committee divided,—

Ayes, 2.	Noes, 5.
Mr. Warburton.	Mr. Wrightson.
Sir Robert Ferguson.	Mr. Robert Clive.
	Mr. E. Stanley (Cumberland).
	Sir Edward Knatchbull.
	Sir James Graham.

So it passed in the negative.

The Chairman read to the Committee draft of their Report.

Clauses 35 and 55 Tithe Commutation Act read.

Adjourned.

Martis, 2° die Maii, 1837.

MEMBERS PRESENT.

Mr. SHAW LEFEVRE in the Chair.

Sir James Graham.	Sir Edward Knatchbull
Sir Robert Ferguson.	Lord Ebrington.
Mr. Stanley (Cumberland).	Captain Boldero.
Mr. William Miles.	Mr. Poulett Thomson.
Mr. Robert Clive.	Mr. Warburton.
Sir Robert Price.	

The Committee proceeded to consider the draft of their Report.

First paragraph read.

Question proposed, (Mr. Warburton)—

To leave out all the words after "directed" in line 24.

Question put,—

"That proposed to be omitted stand part of the Report."

Ayes, 8.	Noes, 1.
Sir James Graham.	Mr. Warburton.
Sir Edward Knatchbull.	
Mr. Stanley.	
Captain Boldero.	
Lord Ebrington.	
Mr. William Miles.	
Mr. Robert Clive.	
Sir Robert Ferguson.	

So it was resolved in the affirmative.

The Committee agreed to the first nine paragraphs of their Report, with several amendments.

Jovis, 4° die Maii, 1837.

The Committee proceeded in the further consideration of the draft of their Report, and agreed to the same, with several amendments.

To report.

LIST OF WITNESSES.

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William Blamire, Esq. - - - - - - - - - p. 11
Captain *T. Wentworth Buller*, R. N. - - - - - - p. 28

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Rev. *Richard Jones* - - - - - - - - - - p. 33
Lieut. *Robert Kearsley Dawson*, R. E. - - - - - - p. 47

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Mr. *John Watson* - - - - - - - - - - p. 58

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MINUTES OF EVIDENCE.

Martis, 4° die Aprilis, 1837.

MEMBERS PRESENT.

Mr. P. Thomson.	Sir James Graham.
Mr. Alston.	Mr. Wrightson.
Sir Edward Knatchbull.	Mr. Stanley (Cumberland).
Mr. R. Clive.	Sir Robert Ferguson.

CHARLES SHAW LEFEVRE, ESQUIRE, IN THE CHAIR.

William Blamire, Esquire, a Commissioner under the Tithe Commutation Act; Examined.

W. Blamire, Esq.
4 April 1837.

1. *Chairman.*] THE Tithe Commissioners have turned their attention to the maps or plans required by the Tithe Commutation Act?—They have of course.

2. You have had a correspondence with the Chancellor of the Exchequer upon that subject?—We have had recently.

3. Under what clause in that Act do you consider those plans are required by the Commissioners?—Under various clauses in the Act; the first, I think, is the 35th clause.

4. That clause relates to the valuation?—It relates in the first instance to the valuation.

5. In the letter addressed to the Chancellor of the Exchequer, you state, that, by the 63d section of the Act, the Commissioners are to "cause the instrument of apportionment to be ingrossed on parchment, and shall annex the map or plan thereunto belonging to the ingrossed instrument of apportionment, and shall sign the instrument of apportionment, and the map or plan, and shall send both to the office of the Commissioners, and if the Commissioners shall approve the apportionment, they shall confirm the instrument of apportionment under their hands and seal?"—Yes, that is the latter clause referred to by them.

6. By the 35th section, "the valuer or valuers or umpire may, if they think fit, use for the purposes of this Act, any admeasurement, plan or valuation previously made of the lands or tithes in question, of the accuracy of which they shall be satisfied?"—Yes, and where the land-owners shall be satisfied they may with safety use it.

7. You consider it only necessary that the land-owners themselves should be satisfied of the accuracy of those maps, and not that the persons who value the land should be satisfied of their accuracy?—For the purpose of making the apportionment I conceive that a map, on however small a scale, if not defective, might thoroughly answer the purpose, but it would not answer for the purpose of ascertaining the exact portion of land on which the rent-charge had been fixed, in the event of fences being removed or obliterated, or great alterations being made in the lands in the parish.

8. You consider a map of that great accuracy to be necessary in consequence of the difficulty of ascertaining the land at a future period?—Most undoubtedly; I should conceive the land-owners would be placed in the most equivocal situation if we did not require maps so perfect as to enable us not only now but for ever, to show the exact portions of land to which the tithe-owner has a right of entry and distress, with the further power of obtaining and of retaining possession until his tithe is paid.

9. In a case where one person was proprietor of a whole parish, would that be necessary?—No, if the land-owner in that case was willing to allow the gross

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sum to over-ride the whole of the parish, and that the boundaries of the parish were distinctly and accurately known, that it all belonged to one proprietor, and that he did not desire to apportion the rent-charge, to leave it field by field, but over-riding the whole, there would be no necessity for any map until the period should arrive at which he might have occasion to make an exchange or alteration; until that alteration was contemplated there would be no necessity for any map; the tithe-owner would be perfectly secure, and, inasmuch as the whole parish was liable to the whole payment, whoever the defaulter might be, the tithe-owner would have the power of seizing stock on any part of the parish; I mean in the event of the land-owner arranging for the tithe over-riding the whole of the parish.

10. Then it would be almost impossible for the land-owner to sell any portion of his estate, as it would be all chargeable with the tithe?—He could not make a sale of it without going to the commissioners of the land-tax, and making an arrange- with them; the Act provides for any proprietor who has not had his rent-charge apportioned on portions of his estate, having that subsequently done, by applying to the commissioners of land-tax, who are, under certain circumstances, autho-rized to take into consideration the portion of rent-charge to be fixed on such portions of his estate as he wishes to deal with.

11. Then, although a map would not be necessary in the first instance, it would be required in respect to apportioning that sum that should attach on the part of the property which was parted with?—I should say so clearly; but there are a great number of persons who maintain that no map whatever is necessary; that a particular describing each estate, or the several portions of it, as the case might be, would answer the purpose without any map at all.

12. In a case where the rent-charge was laid on a particular farm, would it be necessary to have a map?—Certainly it would be necessary to have a map to show the exact metes and bounds of that property on which the rent-charge was fixed; but there would be no necessity for having a map to show those portions of land which were tithe-free, and which had no rent-charge attached to them.

13. You have no power to call for maps of land which is tithe-free?—Certainly not; there is no necessity under the Tithe Act to ask for a map where it is tithe-free.

14. Supposing a good deal of tithe-free land was mixed up with titheable land, do you think it would be necessary to have a map of the whole for the satisfaction of the Tithe Commissioners and the security of the proprietors?—Where both tithe-free lands and titheable lands are much chequered and intermixed, I con-ceive it would be, in fact, cheaper to give a map of the whole than to separate them, inasmuch as the parties must incur a greater expense in placing those titheable portions of the estate in their proper position on the map, than in giving the whole; and it would be absolutely necessary to have them in their proper position in the map, in order that they might be each traced in case of dispute.

15. On what scale should the map be drawn, to enable the Commissioners to test it with perfect accuracy?—If the Commissioners are to have the re-sponsibility of guaranteeing the accuracy of their maps, they must have them upon so large a scale as to enable them to compute the areas from the maps; that I believe may either be satisfactorily and clearly done from maps upon the scale of three chains to the inch, or upon a scale of four chains to the inch; the Commissioners, after much consideration, and after having commu-nicated with all the leading surveyors in various parts of the country, fixed upon the plan of three chains to the inch, from believing that the largest proportion of maps at present in existence have been made upon that scale; where the maps are to be made *de novo*, it will be perfectly immaterial which scale is adopted; in point of expense, it does not make the slightest difference; but if uniformity is to be the object, we conceive we are imposing less inconvenience on the country, by adopting the larger scale than the smaller.

16. Have you confirmed any apportionments of tithes at present?—No, we have not had any map offered to us which was not so imperfect that we have been anxious to delay till the opinion of the legislature could be obtained as to what was to be done; the first map which was sent to us for examination, was from the parish of Tonge, in Kent; in that particular case, the parish had made a contract with the surveyor for a certain sum of money; we believe they had given him a much larger sum than in fairness they ought to have done; they unfortu-nately paid him the money before the map was sent to us for examination, which

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is defective to the extent of above 100 per cent.; we found five-acre fields occupying the same space upon the plan, in one part of it, that 10 acres occupied in another.

17. Mr. *Alston.*] Was it an ancient map?—We afterwards endeavoured to ascertain how that map had been got up; of that the surveyor was not very willing to give any explanation; I believe it was a map compiled from several old maps, and the interstices filled up by guess.

18. *Chairman.*] The principle of the Tithe Commutation Act has been already agreed to by some parishes in the north of England, has it not?—It has.

19. Was that done under the sanction of an Act of Parliament?—It was.

20. How were the maps arranged in those cases?—Unfortunately no maps were attached to the schedules; all that was done was in a written particular, accurately to describe the boundaries of the land, setting forth what proportions of corn were annually to be paid by each.

21. Has any inconvenience resulted from adopting that description instead of having an accurate map?—The greatest possible inconvenience has latterly arisen; some estates were dismembered, and others were added to; no care or caution was exercised by the land-owners in altering the statement of the particular, and this, in many instances, had gone on until it became almost impossible, or at any rate extremely difficult and unsatisfactory to trace what were the original portions of land to which the rent-charges attached, or what had been done in respect of inclosures with other fields; and if even after the short lapse of 70 years this great inconvenience resulted, and indeed mischief, I conceive it will result to a much greater degree where titheable lands and tithe-free lands are intermixed without any clear and distinct boundary; I mean in the case of inclosure, and where the ancient lands are subject to tithe, and the common lands appurtenant to those lands free from the tithe. Many of the old inclosures have exceedingly crooked and zigzag fences, and where those are thrown down, which in most cases where the fields were small and the fences were zigzag, has been the case, it becomes, in a much shorter time than that I have just referred to, impossible to trace with satisfaction the boundaries between the two.

22. Has the tithe-owner or land-owner suffered the most from the want of those maps?—In those parishes that I have known, the practical inconvenience has been felt by the land-owner, not by the tithe-owner; the onus resting upon the land-owner, of showing that the demand made by the tithe-owner is not correct.

23. Would it be less expensive to have a considerable survey made over a certain number of parishes than of one parish separately?—I should say that it would be so; at the same time that would depend upon the manner in which that survey was to be made. I conceive the cheapest mode of having a survey effected would be by letting the work to be done by contract, under a certain superintendence, and in that way you would often have very great competition for the work to be done; you would have young men who had never been the undertakers of any survey; and a number of people, who to a certain extent understand the principles of surveying, would compete for the work, and I believe it would be done very cheaply.

24. Under the apportionment clause the expense of the map is thrown upon the land-owner?—It is.

25. Do you think you could call upon the land-owner to pay for the making of those expensive and accurate maps, under the Act as it at present stands?—I think that it would be an act of extreme hardship on the land-owner to make him pay for the making an expensive and accurate map, if he was not himself a consenting party. I conceive we have the power, at least we have the power of withholding our consent and guarantee to the maps, unless we are satisfied that they are perfect; as far as we are individually concerned I think we ought to be released from that responsibility, unless we have the means of testing the accuracy of those maps. There are a great number of land-owners in the kingdom who say, "We are entitled to give you a map on any scale we think fit, and you have no right to call in question the accuracy of that map;" but it is for us to be satisfied whether it is accurate or not. Maps have been tendered on too small a scale for us to be able to compute their accuracy; of course we have no check over them, and we think it would be exceedingly hard upon us to be called upon to give a guarantee for maps of that kind without knowing whether they are perfect or not, and that our doing so would eventually lead to great confusion.

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26. Mr. *R. Clive.*] Supposing the land-owner perfectly satisfied with his own map by which he had conducted matters on his estate, should you not be satisfied, as Commissioners, that that was a sufficiently good map for your purpose?—If the land-owner were perfectly satisfied, we presume that would be in consequence of its being accurate; but we think we should be at liberty to see the large map from which it is made, to satisfy ourselves; no small map can be made without its being first drawn on a large scale.

27. Mr. *Wrightson.*] If both the land-owner and the tithe-owner concur in its accuracy, is not that sufficient for your purpose?—I do not know in what way to get the opinion of the tithe-owner; he is not an interested party; he has no interest as to the subdivision of the sum, but inasmuch as he may be a land-owner himself, and his glebe may be subject to the payment of tithe, and that in that respect he ranks as a land-owner.

28. Might not you require his consent?—We might require his consent, but I am afraid, under many circumstances, he would have no means of knowing whether it was accurate or not.

29. Mr. *Alston.*] You have two things to ascertain; first, the amount of the tithe; and, secondly, the quantities of land. If there be no question on either, do not you think the parish can give a sufficiently accurate description, first, of the quantity, and then of the particular fields?—Our object is not so much to be able to show at the present moment what are the portions of land subjected to this rent-charge, for that will be a matter of notoriety to every body, but to show, centuries hence, what were the portions of land which were subject to those rent-charges, though all traces of fences may be removed or altered.

30. Mr. *Stanley.*] In the case of a parish where only two or three portions of land are titheable, do you require the whole to be mapped?—Certainly not; we have no right to ask for a map of tithe-free land; we have never done so; and in the case of mountain land producing lamb and wool, we do not ask, and are not authorized to ask, for a map in those cases, inasmuch as the right of pasturage on such lands is appurtenant to the ancient lands, and we should fix the tithe on the ancient land, and not on the mountains at all.

31. Mr. *R. Clive.*] Do you require a map where the vicarial tithe only is concerned?—Certainly, unless an arrangement can be made among the land-owners as to a special apportionment of the vicarial charge. There are several parishes that contemplate entering into an arrangement among themselves to apportion the vicar's dues, the rent-charge, on some certain portion of the parish; then all we should require is an accurate map of that part on which the liability is imposed.

32. The vicarial tithe in many instances extends over a large estate, and the milk, or whatever may be subject of the tithe, cannot well be ascertained from the knowledge of the map?—Not at all; but the vicarial tithes would extend over the whole of the land liable to the payment, unless by the arrangement, which is pointed out and provided in the Act, you may specially apportion those tithes upon a certain part of the property, taking care that that part of the property is of ample value for the amount for which it is to be responsible to the tithe-owner.

33. Supposing the rectorial tithes belong to a layman, would you feel it requisite that there should be the same means of ascertainment in future, as are required in the case of a clergyman?—If the lay impropriator does not merge and extinguish his tithes, there can be no difference; the lay impropriator ought to have the same remedy which the clerical would have.

34. Sir *E. Knatchbull.*] If you found part of the land subject to a modus and another part not, should you require a map of the whole parish?—No; we should not be justified in asking for a map, except actually to designate the land subject to a particular payment; and in the case of an estate covered by a modus, I apprehend the land-owner would take care specially to apportion it on some particular portion of this property. All moduses are to be converted into a fixed corn-rent, and he would immediately get rid of the difficulty by fixing the payment of the modus on some part of the property, probably that part most easily to be dealt with in the mapping.

35. Mr. *Stanley.*] If they were satisfied with the payment of the modus, why may they not convert it into a certain rent?—I argued that case in the House of Commons, but unsuccessfully; the reason assigned was, that under the old law,

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the remedy of the tithe-owner was of a personal nature: under the new law, the remedy is by entry and distress; that, if you except moduses, and keep them in their former state, you must keep up the personal remedy.

36. How is the expense of apportioning and surveying this modus to be defrayed?—The expense of apportioning a modus could not be anything, if it was a mere modus to be converted into a corn-rent. I do not see that there would be any expense but that of giving the map of that portion of the estate made liable for the payment.

37. Sir *James Graham.*] With reference to the object of the Act for the purpose of ascertaining the value of the general survey, is a map necessary?—Not at all. I do not mean to say, but that it would be of great service to valuers to have a map placed in their hands on which they could rely as to quantities, but that is not absolutely necessary.

38. You do not hold it to be necessary in reference to the ascertainment of the gross value?—Certainly not; it would be a convenience, but not a *sine quâ non.*

39. You limit the convenience to the apportionment, when ascertained?—I hold a map most essentially necessary with a view to tracing the portions of land on which the rent-charge is in the first instance apportioned. Though it may be apportioned in the first instance, without a map, as it has been done; but the difficulty would be at a distance of time, in showing what is the specific land charged.

40. For tithe-free land no map is necessary?—No map, I conceive, is, under the Act.

41. For a parish, the property of one individual, no map is necessary?—No map is necessary until the individual wishes to deal with the property in his hands; while it remains entire, it is not necessary.

42. For mountain land it is not necessary?—Not where that land is enjoyed in common; where it is enjoyed in severalty and produces tithe, it is necessary.

43. But where it produces only lamb and wool it is not necessary?—No, where it is in common; but where the land is known by metes and bounds, as any other ancient lands are, maps would be necessary to fix the rent-charge, the right of pasturage not being appurtenant to particular lands.

44. For lands covered by modus is a map necessary?—For that proportion of the land which would be made responsible for the payment of a modus, a map would be necessary; if you have a modus of a certain small amount over-riding 100 acres of land it would not be necessary to secure the payment of that modus on the whole 100 acres; but on half an acre or an acre, and then it would be necessary only to have a map of the half acre or acre, or whatever it might be.

45. If you except land where the whole parish is in the hands of one individual; if you except tithe-free land; if you except land covered by modus, unless under special circumstances where the parties wish it to attach to a particular part of the property, and if you except mountain land, what hope would there be of obtaining a general survey of England and Wales applicable to general purposes?—In case of the proprietor having the whole of the parish, of course there would be no necessity to ask for a map at all, he having the whole of the parish or the whole of the township; but I apprehend there are very few instances in the kingdom where that is the fact, at least they have not yet come under our cognizance; we generally find there are some small proprietors; with regard to the case of modus, if the whole estate were left responsible for the modus, we should be under the necessity of asking for a map, but there is an obvious mode of avoiding that by fixing the modus on a small portion of the property; I am not able to answer the question, as I do not know what portions of land are mountain, tithe-free, or covered by moduses.

46. Taking all those lands together, are you not of opinion they will form a very considerable proportion of the whole surface of England and Wales?—No doubt they form a very considerable part of the surface in extent; though the mountain lands would not add very much to the value.

47. If you excluded them from your survey, could it profess to be general; would it not be very incomplete?—Under those circumstances the survey would not be a general one; it would be a partial one.

48. Then for all general purposes it would not be available?—Certainly not.

49. Would it be necessary to map glebe land?—It would in those cases where the glebe land is tithe-free only when in the occupation of the owner; and titheable when in the occupation of another person.

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50. For the purposes of this Act, glebe land in the occupation of the owner need not be included under the survey?—Certainly not.

51. Mr. *Wrightson.*] Do not all commons come under the same exception?—No doubt they do.

52. Mr. *Alston.*] In those parishes where land has been given by the Inclosure Act in lieu of tithe, should you want a survey?—No; those are exempt by a special clause in the Tithe Act; all lands, the tithes of which have been commuted by Act of Parliament, are exempt from the operation of this Act.

53. *Chairman.*] In cases of common, would not the tithe attach to the land, having rights of common?—The rent-charge would then be fixed on the ancient lands that gave the right of pasturage.

54. Not at all upon the common mountain itself?—No.

55. Sir *James Graham.*] You are understood to say that no absolute necessity applies to the case of apportionment, and that for all present purposes no map is necessary even for that, but that it is a remote evil which you foresee will accrue some centuries hence, which leads you to think this necessity exists?—Certainly; no necessity would arise at the present moment, while the thing could easily be traced, but a necessity, in all human probability, would arise far within the first century, as it has done in other cases where the principle has been acted on.

56. Of course that would not affect the tithe-owner, but the future land-owner?—It would.

57. Is he not a very good judge of what is due to his own interest?—No doubt, if he is attentive to his interest, and is in a situation to judge of what it requires.

58. A good many people, you say, are of opinion no survey is necessary?—Yes.

59. Are they persons conversant with the value of land, and likely to be attentive to their own interest?—I believe them to be people not alive in this case to their own interest; if you ask any persons who are suffering from having got their tithes commuted for a variable corn-rent, without maps attached to the schedules, they will all tell you that it was a great misfortune that at that time they had not gone to the expense of maps.

60. Under the 35th clause, old plans and surveys can be adopted only with the concurrence of three-fourths of the land-owners?—No.

61. Is there not a very strong probability that there will be in most parishes some astute men who know what their interest is?—No doubt, if they are alive to the difficulties of the question; none are better able to judge of what is more conducive to their own interest.

62. They exercise the right to apportion it upon themselves, and if they think fit to apportion on an old plan, three-fourths must concur in so affixing the proportion?—Certainly.

63. Is not that a strong security for the correctness of a map, when so large a majority as three-fourths concur in adopting it as correct?—The land-owners would not concur, of course, in the adoption of a map, if aware of its defects; but undoubtedly their attention, generally speaking, has been very little called to the difficulties which arise from the use of imperfect maps, and in some cases they would be willing to run the risk of inaccurate maps, or I believe would be even willing to run the risk of having no maps at all. My own opinion is, that it would be infinitely better to have no map at all, and to leave the land-owner to take care of his own interest, by carefully reciting every alteration made in the boundaries of his titheable lands in a particular than it would be to have maps which were not accurate, but which hold out a prospect that he might afterwards, through their medium be enabled to trace the exact boundaries of his lands, subject to rent-charges.

64. Will you be good enough to point out in the 63d clause what are the words which, you think, call upon the Commissioners to give a guarantee, not of the justice or equity of the apportionment, but of the accuracy of the plan?—We have no direct power given to us to refuse maps because we do not think them accurate, but we conceive, ourselves, that a map is a most essential part of the apportionment, and that if that is not accurate it would lead to very great difficulty and inconvenience in future.

65. At some remote period, between the land-owners themselves?—At some remote period, between the land-owners themselves.

66. And in a case where you hesitate to give your sanction, three-fourths have concurred

concurred with regard to the accuracy of the plans they have tendered?—We have not refused to adopt any map, except the one from Kent, where we detected errors to the extent of 100 per cent.

67. In that case three-fourths of the land-owners were content with that map?—Yes; but where we found errors to the extent of 100 per cent., it would have been found impossible hereafter to trace out the particular lands charged.

68. Who would have been damnified?—The land-owner.

69. And yet three-fourths of them were satisfied it would be safe to proceed upon that map?—Yes; but we do not know whether they were alive to the difficulty; I believe they only looked to the temporary escape from a heavier payment.

70. You state that inconvenience has arisen in the north from this very circumstance?—There has.

71. The maps of the country surveyors in many instances, perhaps, are not very accurate?—I am not prepared to say that the maps of the surveyors are generally inaccurate; I believe on the contrary, that they are accurate; but old maps of parishes are frequently found to be inaccurate, and to lead to mistakes, in consequence of the changes which have taken place.

72. Do you not know of a very great commutation which took place in the north of England, in the parish of Kendal, prior to the passing of this Act?—I do.

73. The tithes of that parish belong to Trinity College; do you know that that parish includes 27 townships?—I do not know the exact number of townships, but I know that they contain about 80,000 acres.

74. Does not that parish contain in it land of every quality, from good arable to the most steril barren waste?—It does.

75. Have you seen the Act of Parliament under which that inclosure took place?—Yes.

76. Was not that Act framed under the highest legal advice, Trinity College having recourse to counsel in London, and taking every measure in their power to obtain a satisfactory arrangement for the commutation of the tithe?—I do not know the parties who drew the Bill, or in what way it was arranged.

77. Do you know the 19th clause of that Act, which specifically provides that old plans and surveys may be used if the Commissioners think proper?—I cannot say that I have attended particularly to that clause.

78. It is the 19th clause of the 4th and 5th of William the 4th, chap. 18, "To commute for a Corn-rent the Tithes and Dues payable to the Rectors and Vicars of the parish of Kendal, otherwise Kirkby Kendal, in the county of Westmoreland," knowing as you do this Act, is it not in principle very similar to the Tithe Commutation Act which has been lately framed?—No doubt it is.

79. Is it not, in fact, very much the basis of the Government measure?—No, it is not the basis of the Government measure, because it adopts, if I recollect right, one particular township, as the standard by which all the other townships in the parish are to be tested and valued.

80. Had you not constant communication with the Commissioners under that Act, or one of them, during the progress of the discussions in Parliament on the subject of a general measure?—No; Mr. Watson, the gentleman alluded to, was good enough to write to me on two or three occasions, calling my attention to particular points; but I had no communication with the parties at the time that Act was drawn.

81. Mr. Watson was one of the Commissioners under that Act?—He was.

82. Did he not point out the injustice of the original proposition of fixing permanently, on the average of by-gone years, the tithe ever after to be attached to the land?—He did not call my attention to that in the first instance, because my attention was quite alive to it from the first moment I heard the plan; but, as the owner of a particular property, he called my attention to the extent of injustice which would have occurred from that plan in his own case with many others.

83. Which you cited in the House?—Yes.

84. The 19th section of the Kendal Act provides, "That if any admeasurement, map, plan, or survey already made of all or any part of the messuages, farms, lands, or tenements in the said parish, or in any one or more of the said townships, shall be produced and laid before the said Commissioners, and which shall be in their judgment and to their satisfaction a just and true admeasure-

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ment, map, plan, or survey, proper for the purpose of carrying this Act into execution, the same may be used for that purpose, if the said Commissioners shall think fit, without any new admeasurement, map, plan, or survey being made of such part of the said messuages, farms, or tenements as shall be comprised in any such approved admeasurement, map, plan, or survey as aforesaid." Are you not aware that those Commissioners have taken and used old plans?—So far from believing that they used old plans, I always understood that they contracted themselves for a survey of the parish of Kendal at 8*d.* an acre, and that they sub-let it at 4*d.*; but I only know that from general report; Mr. Watson, however, the gentleman alluded to, is in London at the present moment, and I have no doubt would attend and give personally a statement of the fact.

85. You think the work could be done by contract and by young men very cheap?—I do, under certain superintendence.

86. What leads you to form that opinion; do you think this operation of a general survey is an easy operation?—Some proportion of the work I should suppose, speaking with great diffidence, because I am not a surveyor, clearly might, for I apprehend that a considerable portion of the labour work may be accurately and perfectly done by young men who are not scientifically educated as surveyors, if there were a superior set of men to superintend them, and to see the mode in which they were going on with the work.

87. In page 13 of the printed papers before Parliament, in Mr. Dawson's second letter, there is this passage, "Among the objects to be particularly attended to in practice, is that of reducing the lines, measured over steep slopes in hilly districts, to the horizontal plane. This demands especial mention, because some inattention to it is not very unusual, though the necessity for such reduction is well known to practised surveyors, and all should be alive to the importance of using a theodolite." Are you not aware that the theodolite is an instrument which requires great nicety and experience in the use of it?—No doubt of it; but I believe all surveyors execute considerable portions of their surveys at the present moment by young men; having a general superintendence over them, and checking from time to time the correctness of their work.

88. Does the description just read, of practised surveyors using theodolites, apply to young men doing work by contract very cheaply?—No, certainly not; but I apprehend young men doing work cheaply, would, under a certain superintendence, be able to make maps perfectly accurate.

89. Are you aware how long the new Ordnance Survey of England has occupied?—Yes; I think since the year 1797.

90. Is it finished yet?—No.

91. Would it be satisfactory to you that your Commissioners should suspend their operations until the general surveys are completed, unless it proceeds somewhat more rapidly than the Ordnance Survey has proceeded?—I would suppose that all the maps necessary for the Tithe Act might be made in four or five years, and completed within the period to which the commission is limited, and within which the tithes are to be commuted.

92. If done by young men?—Yes; in that or other modes; I should think that a safe mode of getting it done.

93. Accuracy is the great object, cheapness is a secondary consideration?—Cheapness and accuracy combined would be the great consideration.

94. What are the words in the Act, words which point to the guarantee of the accuracy of the plan?—It is a proviso in the 64th clause that enacts that the maps may be recited as evidence.

95. Are you aware that the Ordnance Survey has been conducted by officers of the most scientific education and great experience?—I am quite aware of that.

96. Notwithstanding that, have you never heard any doubts thrown upon the accuracy of that survey, after all the time occupied and pains taken?—I have heard that, with very great regret; but I hope however, before this Committee closes its labours individuals competent to give an opinion upon that point, and to give explanation, will be called to state what is the fact. I believe there is a very general impression, that a large proportion of the coast of Ireland is a mile and a half out of its proper position on the map.

97. Do you not know, that in the philosophical transactions and scientific works, great strictures have been made upon this work, conducted for such a length of time, impeaching its accuracy?—Yes; though I have never, myself, heard

heard any charge brought against its accuracy that was not cleared up, except this one as to the coast of Ireland.

98. Do you still hope, that in a small number of years, by a survey conducted under contract, and by young men, with any superintendence you can contemplate, a more accurate survey will be produced than the Ordnance Survey, which has occupied 40 years, and been conducted by scientific men?—I think they are so widely different that I cannot judge or compare them one by the other.

99. Are the chances of accuracy in favour of one or the other?—The Ordnance Survey is on a very small scale; that as to which I am asked is proposed to be 26 times larger.

100. Does the usefulness of the scale depend upon its size, independently of the accuracy of the original survey?—Without having it of a certain size, we cannot tell whether the work is accurate or not.

101. Your objection to the Ordnance Survey is the smallness of the scale?—Undoubtedly; from the smallness of the scale it would not be available for the purposes of these maps; and it is allowed on all hands, by surveyors, that you cannot with perfect security expand the size of a map, though you can contract it.

102. In your letter to Mr. Spring Rice, you say a contest about the rejection or acceptance of maps has a tendency to make the Tithe Act extremely unpopular, do you think a tax of 9*d.* an acre for a survey of all England would have a tendency to make the Tithe Act extremely popular?—Certainly not.

103. Which do you think will give the Tithe Commutation Act the best chance of success with the landowners, allowing them to apportion the burthen by their own maps, or not allowing them to make that apportionment until you shall have measured all England, taxing them for the survey?—There is no doubt that many land-owners would be better satisfied to run the risk of all future consequences, and have no map at all.

104. You speak of other public purposes to which this survey will be applicable; what are those to which you point?—The valuations which will be required under the Parochial Assessments Act, and many others.

105. Lieutenant Dawson points to the use that was made in Doomsday Book of an early valuation, and he says it furnished the King with the means of ascertaining the military strength of the country; and it pointed out the possibility of increasing the revenue in some cases; do you think that prospect will induce the land-holder very readily to assent to it?—I think the prospect so very remote, of any imposition upon the country on that score, that no land-owner would make any demur upon it; I certainly do, however, know some few individuals in the kingdom who do object upon the score of its being inquisitorial.

106. The only instance cited by Lieutenant Dawson is, enabling the Government to obtain information by which the revenue might be increased; do you think that would remove any of the unpopularity attaching to this general survey?—I have been in correspondence and communication with land-owners and surveyors in most parts of the kingdom; there are some few individuals who object to it on the ground of its being inquisitorial, but these, as far as I am aware, are very few, though there are a number of other objections taken by individuals.

107. Supposing it shall not be necessary for the purposes of the Tithe Act, to what other public purposes is a tithe survey indispensable; it does not appear so from the answer of the Poor Law Commissioners?—I should suppose, if there is to be a uniform rate of valuation produced under the Parochial Assessments Act, it will be absolutely necessary.

108. Mr. Chadwick says, "The Poor Law Commissioners are sensible of the great advantage which will result;" he does not say it is essential; do you think it is essential?—I do, and I think the country are of that opinion; new surveys will be made in parishes where a new valuation is to be made; they commence their new valuation by making a survey, and there are a great number of parishes at the present moment commencing surveys with that object in view.

109. Do you not think that a great many parishes and unions comprising many parishes, are content with using old surveys?—I have no doubt many parishes are content with using old surveys, or with not having any survey at all; but they cannot have a very accurate valuation without knowing the contents of each field.

110. Is it for any present purpose necessary, the land-owners having distributed the gross value among themselves, that it should apply distinctly to each field as included in its present hedges?—For present purposes it is not, in the case

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you put as I stated before; I have no hesitation in stating again, that I am ready to admit no maps are necessary in such cases, and I am quite prepared to expect that no inconvenience would be sustained for many years; but what has occurred in other instances, will, I apprehend, occur again.

111. There will be always in your office a map and plan, and the value, when distributed, will be apportioned according to that plan?—Yes, if it is thought right to have maps at all.

112. The Act provides for maps; there must be maps?—Yes, but it probably would be prudent to have some alteration made in that respect, unless they are to be made so accurate as not to mislead parties.

113. After the appropriations there must be maps, as the law stands; and those maps, so provided for, must be deposited with you?—Yes.

114. Then the utmost inconvenience which would arise is that the general appropriation of tithe could not be ascertained with the minuteness with which they might have been by a map on a large scale?—That after a time it will be impossible to trace out the exact portions of land on which certain tithes are now imposed.

115. They will not be able to do it otherwise than as it may appear upon the map deposited?—They will not be able to do it upon the map deposited, unless by having certain lines of construction passed through it, and having various provisions made to guard against difficulty that would so arise; that is the great point at issue between the surveyors. A certain set of the most eminent surveyors say, "It will be impossible to trace afterwards from a map the portions of land subject to this payment, unless it is on a given scale; but give it us on the scale we require, let it be accurate, and we will be able to point out, without going on the land, the portions of land to which the rent-charge is affixed." There are other surveyors, who maintain that if you give them a map upon a small scale, admitting that that map is accurate, (because, they all, of course, infer that the map is to be accurate,) if you give a map on the small scale, the surveyor would be able by re-admeasurement to point out the particular lands in dispute.

116. Do you contemplate, that on this general survey, the owners of tithe-free land, the owners of land to which tithe does not attach, and the owners of the entire land of a parish, and other cases in which you say that a map is not necessary, should contribute to the costs?—No.

117. How did you contemplate that this general survey should be paid for?—We did not contemplate any general survey at all. We thought we should not discharge our duty to the country, unless we pointed out the necessity for having certain maps; and then our attention was directed to the propriety of making the maps so accurate and perfect, as to be available for other purposes. We thought it would be very much to be regretted, if so much money were expended on maps, applicable to one purpose only.

118. Did you not contemplate at the time you wrote to Mr. Spring Rice, the necessity for a general survey?—We so far contemplated it, that we thought it would be very imprudent and injudicious in the country not to have it. We have perhaps gone further, in calling attention to the matter, than we ought to have done by the circulation of Mr. Dawson's reports; but we thought that the country ought to be quite aware of the situation in which they stood in that respect.

119. You say that Lieutenant Dawson reported, that the expense of mapping under his superintendence, when new surveys are required, would not average more than 9*d.* an acre; does not that contemplate a general survey?—A general survey of titheable lands.

120. And "that he could conduct the mapping safely by means of the country surveyors and mappers, provided it was understood that they were in no case to be paid till it was found that their maps were accurate, and constructed in strict obedience to instructions?"—We no doubt thought, and still think, that was the best mode of effecting the work; but we have no power to survey all lands, and do not seek to do it.

121. Did you not propose to the executive government, the having a general survey made?—No doubt we thought it our duty to call the attention of the government to what we considered might be advantageously done.

122. Viewing all the circumstances, do you, or not, recommend that the apportionment of tithes in all the parishes of England should be delayed, until a general survey has been made?—I do not think that the having a general survey would cause

cause any delay at all. We cannot sanction the apportionment as the Act at present stands, unless those clauses are repealed, directing that we are to have satisfactory maps; and we do not see that any delay would be occasioned.

123. Do you, then, recommend a general survey of all England, in the present circumstances of the Tithe Commutation Act, with reference to the original objects contemplated in your letter?—Undoubtedly; I think it would be injudicious on the part of the country not to have a general survey, and that is not only my opinion, but it is the opinion of many of the greatest land-owners in the kingdom.

124. You do recommend it?—Certainly, I should recommend having accurate maps and surveys, or having no survey at all; I think that part of the Act had better be altered and repealed, authorizing us to attach maps, unless they are to be perfect, and such as may be safely relied upon.

125. You think a map adopted by three-fourths of the landed proprietors, unless perfectly accurate, will not facilitate the ascertainment of the portion, on a change of circumstances?—I mentioned an instance of having a map sent to us where the land-owners were perfectly satisfied, but which map contained errors to the extent of 100 per cent. I cannot conceive the interests of the land-owners would be secured by having such a map; I think they would be better secured by having no map at all, and by taking extreme care to recite in a particular all the changes which were made in the property, so as to be able to prove them. If the attention of the land-owners was called pointedly to those precautions, they might accomplish much in the way of securing themselves; I do not think it would be a judicious mode, but I think it would be preferable to such a mode as that of a map which was not perfect.

126. In your opinion, the alternative is to have a map on a general survey, at three chains to the inch?—I am quite prepared to contend, that, for the purposes of the Tithe Act, we must either have no maps at all, or we must have such as are accurate; and we can only judge of their accuracy by having them on a scale of three chains to the inch or four chains to the inch; if we cannot have them on such a scale we cannot test their accuracy, it is of no use to talk of receiving maps that are inaccurate; by doing so, we place the land-owner in a much worse situation than if we were to tell him we have no maps, and that he must exercise the utmost caution, and take care to insert every alteration made in the boundaries of his land in his particulars.

127. Have you not stated you are called upon to guarantee the accuracy of the maps?—Certainly, we are bound to guarantee them by affixing our seal.

128. Where do you find that you are bound to guarantee the accuracy of the map?—By affixing our seal.

129. Have the goodness to refer to the section?—It is the 63d and 64th sections.

130. Do you think the words, "approve the apportionment," include the accuracy of the plan?—We cannot conscientiously approve of any apportionment with an inaccurate map; the map is the key of the valuation, and of the whole thing.

131. A, B, C, and D are owners of the property in a parish, and A, B, C and D agree on the proportions in which any gross valuation shall be attached to their estates; is it not sufficient that you shall be satisfied with that apportionment without a precise mensuration of their estates?—We foresee, or think we foresee, that without great accuracy there may hereafter be very great difficulty; B may sell his estate to his two neighbours; a great intermixture of property may take place, and it may be very difficult to show what were the portions of land belonging to B, and to which his rent-charge was affixed.

132. Who will be damnified except A, B, C and D, themselves, who are the parties to the arrangement?—No one.

133. Then whatever inconvenience arises, it is an inconvenience occasioned by the owners of the estates, affecting their own estates?—Certainly.

134. You are wishing to take more care of them than they wish to take of themselves?—We are desirous of apprising them of the difficulties which present themselves to our minds.

135. They will be satisfied without these precautions?—Some of them will be so; but I have met with many who are desirous of measures being taken to ensure correctness in future; many extensive land-owners have come to us, bringing surveyors with them, and we have had other deputations of the principal surveyors of the kingdom, with whom we have had much discussion.

136. You must of course have contemplated the public use which must be

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made of these maps; have you or not contemplated that when completed they should supersede all oral or documentary evidence of boundaries?—No, I have not.

137. Is not that a most important consideration?—No doubt it is.

138. If that evidence superseded all other, do you think that it would be satisfactory to the great body of proprietors?—I think the proprietors would be largely benefited by the transfer of property under an accurate survey, and in various ways.

139. If it does not supersede all other evidence, do you not foresee that it will then increase litigation an hundred fold if documentary or other evidence is to be let in against the accuracy of the survey?—I am not prepared to say what the effect of it might be.

140. Do you not think, that if evidence can be let in on the other side, if the surveys are not conclusive, but may be rebutted by other evidence, that will be a stimulus to litigation?—Yes; but I do not see how your position will be brought to bear on any particular case.

141. The question refers to future times; you must contemplate, if there be a general survey, either that it shall or shall not supersede other evidence, and taking the alternative that it shall not exclude other evidence, do you not foresee that in future times it will be likely to be productive of a great increase of litigation as affecting boundaries?—I am not prepared to say what the consequences may be.

142. Taking the other alternative, that it shall supersede other evidence, do you think the land-owners of England are prepared to have the boundaries of their estates, for ever superseding all other evidence, determined by a survey taken behind their backs, that survey being taken, well or ill, as it may turn out, a survey performed by contract and by young men?—I am quite aware that is a most important consideration, and one that ought to be very gravely considered, but it is my duty to look at it only for the purposes of the Tithe Act.

143. For the purposes of the Tithe Act it is necessary only as relating to the small branch of the apportionment of particular lands?—I do not think that that is a very small branch; the greater part of the lands of the kingdom will have apportionments fixed upon them.

144. Sir *Edward Knatchbull.*] In the case of the parish of Tonge, you stated that the map sent up was insufficient for the purpose?—It was so insufficient that a five-acre field in one part of the plan occupied as much space as a ten-acre field in another.

145. Was that a map of the whole parish?—It was.

146. On what scale?—Three chains to an inch; its having been made upon that plan enabled us to detect its inaccuracy.

147. By what means did you detect those inaccuracies?—By computing the quantities from the map and comparing them with the quantities stated in the reference.

148. Did you make known to the land-owners that the map was inaccurate to that degree?—Yes, we did.

149. What answer did they make?—They referred us to the surveyor.

150. Did they admit the inaccuracies?—They did.

151. Did they give no explanation of them?—They wanted us to call upon the surveyor to do his work over again, but he, having got his money, was not willing to do that, and the case stands over till it is seen what this Committee shall recommend.

152. The commutation of tithe in that parish awaits the decision of Parliament as it regards this matter?—Yes, the apportionment could not be completed until a map was ready to be attached, and we thought ourselves justified in refusing a map so inaccurate.

153. Cannot you, by accuracy with regard to the admeasurements, arrive at a certainty?—The map must be made over again.

154. Is there any difficulty, in case of the map being made over again, in the apportionment being made?—No, not that I am aware of.

155. Mr. *Wrightson.*] Supposing this expense incurred for the purpose of the Tithe Act, would it not be wholly or in great part thrown away in case of their redeeming the tithe within a few years?—There is no necessity for having any map of tithe-free land; if the tithe is redeemed there will be no necessity for maps.

156. You are speaking of a remote danger, and if the tithe is redeemed that danger will not occur?—Certainly.

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157. Mr. *P. Thomson.*] Do you mean to say that you would not consider yourself justified in the approving of an apportionment of any parish, unless you were satisfied that the map presented to you was an accurate one, inasmuch as upon the accuracy of that map could depend the justness of the apportionment?—No doubt.

158. Would you consider yourself called upon, acting upon that principle, to compel parties to make maps that you considered accurate?—We have gone so far as to refuse to adopt any maps which we found to be inaccurate.

159. Would the expense of making those maps by the parties themselves on a scale you would consider sufficiently accurate, be greater than the expense named by Lieutenant Dawson, of 9*d.* an acre?—We believe that in most cases the parishes which have made contracts for their maps have made them at an expense a great deal higher than that sum; there are several surveys in Staffordshire going on at a less cost than this. I have reason to believe that many surveys in the north of England might be made at 6*d.* an acre, though the surveyors, when applied to by parties, to know on what terms they would undertake the work, ask much higher terms.

160. With regard to such parts as must be mapped to satisfy you of the justice of the apportionment, would the land-owner be subject to any increased expense, by being compelled to do it under the superintendence proposed by Lieutenant Dawson, beyond that which he must incur to insure the work being properly performed if not under such superintendence?—I should suppose Lieutenant Dawson might contract for making the maps much more cheaply than any parishes could do for themselves; men might be found who would be willing to do the work on very low terms, having a great deal of it to do.

161. Do you think, with reference to such parts as must be mapped for your satisfaction, there would be in that way a diminution of expense?—We believe so, and from communications with a great body of surveyors, we find they admit that if they could be assured they were to have a large quantity of work to do, they would do it much more cheaply.

162. Mr. *Alston.*] Any survey would require three things, the survey, the map and the field-book; do you mean to say any professional man near London would do it for 6*d.* an acre?—I saw the other day a very intelligent young man who has contracted for the survey of several parishes in Staffordshire at 7*d.*; he does not give a valuation, but a map upon a large scale, and he gives, of course, a book of reference with it.

163. Mr. *Stanley.*] Does that include the conventional signs?—It does.

164. Does he give three plans?—He does not give the copies; only the original map.

165. Sir *Edward Knatchbull.*] What will be the expense of a copy?—Very little, perhaps a penny, or in some cases twopence per acre.

166. *Chairman.*] Are surveyors in the habit of giving their field-books to the persons who employ them?—No; those surveyors who have been in the habit of contracting for surveys, give a plan only on a small scale, retaining to themselves the large plan and the field-book which is the key to the whole transaction; they generally take care to give plans on so small a scale that no computation can be made from them, and thus the plan is virtually useless for any practical purpose but that of leading the eye to the land described in the book of reference.

167. If Lieutenant Dawson's plan is adopted, and lines laid down, you can compute the land with such accuracy that it will not be necessary to survey that land again?—No.

168. That would be a great advantage to the land-owner?—Yes, and a great disadvantage to the surveyors, by rendering their future services unnecessary.

169. Sir *James Graham.*] You have been asked as to the necessity for these maps with a view to the justice of the apportionment, but it is principally with a view to future time you feel them to be necessary?—We cannot estimate the justness of the apportionment of the rent-charges, unless we know the exact quantities of land which are to bear it.

170. A, B, C and D constitute the whole of the proprietors of a parish, and their estates are intermixed one with another; if they have a plan pointing out the intermixture, but not precise in its admeasurements, and they agree among themselves that the gross valuation shall be attached to those estates in certain proportions, does the want of precision in that map affect the equity of the arrangement among themselves?—Certainly not; where the parties are satisfied, and willing to take certain proportions of the rent-charge upon themselves, we

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should infer that the arrangement was equitable, and that they were satisfied that it was so if they were willing to abide by the apportionments fixed upon their respective properties; but we could not be assured that that was so without knowing the precise amount of the land of each.

171. The case put is that of unanimity; it is not possible that, without the concurrence of A B and C, D can be charged, as three-fourths must concur?—Three-fourths must concur in affixing the gross sum; under voluntary commutation, if in the distribution of that gross sum any one individual feels himself aggrieved, he is to appeal to the Assistant-commissioner, who is to hold a court and hear the parties, which will constantly occur, and an authenticated admeasurement must be had recourse to, to satisfy objecting parties that they are justly dealt with.

172. Is not your objection limited to the case of disputed distribution?—Where there is unanimity, no map may be necessary to secure the present interest of the parties; but, with a view to the future, accurate maps will be necessary.

173. For the present, all you would require is an actual survey on the scale you have mentioned, where the proprietors do not agree to the distribution?—Where the proprietors do not agree to the distribution, we want only an accurate measurement of property for present purposes; for future purposes we conceive we want an accurate map also.

174. Now, with regard to the justice of the apportionment, that can be obtained without any map whatever, where the proprietors of the parish are unanimous?—No doubt.

175. With reference to the present necessity to meet the justice of the case, they may appeal to you where unanimity does not exist?—Certainly; and we may settle the appeal without any map at all, having however a perfect admeasurement.

176. You have power for that?—We have no power as the Act stands, to dispense with the maps; we must have maps.

177. But, for the present purpose, an accurate admeasurement would enable you to meet the justice of the case?—Certainly.

178. Mr. *P. Thomson.*] Did you think you should be discharging your duty if you had not made known the difficulty which you had experienced in securing to the public the means of ascertaining the justice of apportionments which were made, and if, without that being known, you had consented to them?—No, certainly, I think we should be placed in a very unfortunate position if we were required to guarantee documents, by affixing our seal to them, the accuracy of which we not only had doubts of, but, in fact, had actually satisfied ourselves of their defects.

179. Have you any other means of ascertaining that except by maps, and by examining into their accuracy?—No other means of being satisfied as to the accuracy; if we get the parish survey, we get a return of the number of fields and the quantities of land that parish contains, but we have no means without a map on a scale, which will enable us to compute the qualities, to ascertain whether the measurement is correct or not.

180. A map must compulsorily be produced to you, the Act requires it?—Yes.

181. And it requires, besides, that copies of that map shall be deposited with you and other parties?—Yes.

182. Do you not consider that the deposit of that map with you was intended as a guide to the accuracy of the measurement and apportionment?—I do not know any mode by which we can be satisfied that the admeasurements are correct without a map by which we can test them; if an admeasurement were given us of the land of any parish, and we were told that it was perfect, we might as equitably apportion the rent-charge without a map as with with one; but I do not see how we can be satisfied that it is accurate, without a map, which map would afford us the means of tracing the portions of land subjected to the rent-charges.

183. If you were to make an apportionment without testing the accuracy of the map, you would be rejecting the guide which the Act affords?—Certainly.

184. Sir *James Graham.*] Do you think, that sitting in London with a map, however accurate it may be, you will be better satisfied of the justice of any apportionment than the landed proprietors on the spot unanimously sanctioning that apportionment?—No, we should not presume to interfere with any apportionment the land-owners make, where they are unanimous, or where they are nearly

unanimous

unanimous, and show a disposition not to press unfairly on any dissenting individual.

185. May there not be a perfect unanimity in an apportionment founded on a very imperfect admeasurement?—Unquestionably.

186. You would not feel yourselves at liberty to object to an apportionment unanimously agreed to, if it appeared on the map to be open to objection?—We should, undoubtedly, before we confirmed the apportionment, apprize the parties of that, and ask them if they were aware of the fact, and if they intended it.

187. If they were unanimous, your view of the error would stand for nothing?—It simply resolves itself into this, that we, as Commissioners, might think that A was not bound to take upon himself so large a portion of the rent-charge as he was willing to do, and we should feel it our duty to inform him; but if he was willing to do it, we should not make an objection.

188. Do you not think it very likely that A would rather become liable to the taking a somewhat greater rent-charge than strictly, upon measurement, was due from him, than impose the cost of an actual survey and measurement on the township?—No; I find all the most intelligent land-owners of the kingdom not only anxious to have actual surveys, but ready to contribute towards it even more than their fair and reasonable share.

189. You believe that 9*d.* an acre tax on all the land of Great Britain would be a most acceptable measure, and a sort of boon?—I am not disposed to say that; but that there are many who would be very glad to pay for an accurate survey of the parish, though it is probable in some cases the owners would think it exceedingly hard.

190. You know a great many undivided commons in the county of Cumberland?—No doubt I do.

191. It costs as much measuring that land as an acre of the finest grass land, does it not?—No, certainly not; you would get common lands surveyed at from 2*d.* to 3*d.* an acre, a large extent of it together; but you would not get grass land in small inclosures surveyed at any such price.

192. Do you not know land in the county of Cumberland, the fee-simple of which is not worth more than 2*s.* 6*d.* an acre?—No, not so little as 2*s.* 6*d.* an acre; though there is much barren land in that county.

193. You say that it is in obedience to the wishes of the Chancellor of the Exchequer you wrote that letter; was that communicated to you officially by him?—No; perhaps I had better explain the whole circumstances of the case. When I saw the position in which the matter stood, and the very great difficulty with which it was surrounded, I went to Lord John Russell and explained the difficulty to him; after conversing with him, he referred me to Mr. Spring Rice, and he was so good as to receive myself and my colleagues, and after much consultation with him, we pressed upon him the propriety of referring the matter to a Select Committee of the House of Commons, with a view to bringing it immediately under the consideration of Parliament, leaving it to Parliament to decide what was to be done before we committed ourselves or imposed any expense upon the country; and in order to the matter being brought forward, we wrote that letter to him, stating the view we ourselves took of it.

194. Did the correspondence with Mr. Dawson precede your communication with the Government, or did it follow it?—It preceded it; after being appointed as Commissioners, we had communication with the Government, which led us to appoint Mr. Dawson as an assistant. Upon his appointment, we wished him to take the whole matter into consideration, and he, in consequence of our so doing, sent us those two reports.

195. Mr. Dawson contemplates the possibility of standard chains and plotting scales, have you ever had occasion to compare the chains used by country surveyors?—Certainly.

196. Have you ever found two correspond?—But seldom; it appeared to us desirable to send a chain of a standard length into each county, and to have the length of it marked upon a wall or pavement, or some suitable place, (then no deviation can arise,) and to instruct parties making surveys for the purposes of the Tithe Act to test the accuracy of their chains by the length of the one so marked out as a standard.

197. Do you really anticipate that young men doing this by contract would be very nice in frequently testing the accuracy of their chains by your standard?—Certainly; and that in fact they would find it impossible to frame and put the map together without having it perfectly accurate, and in a way which would stand examination;

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examination; I do not apprehend there would be any difficulty on that score. None of the surveyors in any part of the kingdom at all question the means of doing the work satisfactorily by means of those young men, and it is the way in which they work themselves. If you employ an eminent surveyor in London, he does not send persons out of his office to do the work, but employs certain young men to do it, subjecting their plans and books to constant examination.

198. Do you, knowing the nature of the control which has been exercised over the surveyors by the Board of Ordnance, and having reason to doubt the accuracy of their surveys, really believe that more accuracy may be expected from a survey executed by contract, and conducted by young men, under whatever superintendence?—I believe it may be said, that there is nothing perfectly accurate in the shape of plan or survey; but I do not believe, myself, that the Ordnance Survey will turn out inaccurate to any material extent. It was said, that the Isle of Wight was not in its proper position, and that the Isle of Walney was not in its proper situation, but those matters have been explained.

199. You appeared to concur in the opinion, that the Ordnance Survey was not accurate?—No; because I had no means of forming an opinion. I spoke only of the reports in circulation.

200. If it could be shown that the Ordnance Survey was not perfectly accurate, would not that shake your confidence?—In some degree, certainly.

201. *Chairman.*] Would the base lines of the triangles in this case be of the same length with the triangles of the Ordnance Survey?—No, certainly not; the great base lines of the Ordnance Survey, I understand, are in some instances, nearly a hundred miles in length.

202. That would enable surveyors to map the land with greater accuracy?—I should suppose so.

203. Does not one part of the expense of the survey consist of what they call chain-men?—Yes.

204. Do you know what proportion that bears to the whole expense?—I do not exactly, but it is a very small proportion.

205. Sir *E. Knatchbull.*] Do you consider that the mapping is necessary to give security to the measure now contemplated?—I conceive it is, for the commutation of tithe under the present law.

206. Of course, where a commutation under the present Act takes place, particular lands will be subject for that payment for ever after, under the provisions of this Act?—That may be arranged according to the discretion of the landowner himself; he may have the rent-charge fixed on that estate in one of three modes,—he may leave it to over-ride the whole of the estate, making the whole of the estate responsible for the whole payment; or he may apportion it field by field, or acre by acre, or he may apportion it specially by fixing the sum on a certain portion of the estate, that portion being a full security to the tithe-owner.

207. When that arrangement shall be made, in whatever mode, it is then permanently fixed?—Yes.

208. Is it not desirable for the tithe-owner and tithe-payer that it should be made permanent and fixed?—Certainly.

209. Will it not necessarily happen that the parties buying and parties selling will make it a part of their agreement, that the tithe-payment shall be correctly ascertained?—One would infer it would be so; but I know, in my own part of the country, instances where the tithes were commuted about eighty years ago on a variable corn-rent, and persons have bought and sold under the impression that certain properties were tithe-free and which continued tithe-free till there was nothing of the original estate subjected to the rent-charge left unsold but a house or a garden, when the tithe-owner was obliged to look to the purchasers. The want of accuracy in the original designation of the property has led to very great confusion and difficulty in tracing it at the present time, and ascertaining its divisions.

210. The whole tithe of England being arranged and settled under an Act of Parliament under the superintendence of Commissioners, is it possible to imagine that in the transfers of land their apportionments will not receive the necessary attention?—It certainly ought not to be so; but whenever a boundary fence is removed or taken down, unless the land-owner is very cautious in reciting that in the particular, great uncertainty may arise as to the portion of land settled with the rent-charge; and persons have bought and sold, under the impression that certain properties were tithe-free, and which continued tithe-free, until there was nothing of the original estate subjected to the rent-charge left unsold but the

the house or garden, when the tithe-owner was obliged to look to the purchasers for payment. *W. Blamire*, Esq.

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211. How would a map of the land obviate the difficulty which you state would arise from the removal of fences?—Because we conceive such a map would give the power of tracing out the land in question though the fences were removed, and that there would be no difficulty in showing the situations in which they originally stood.

212. Are you not of opinion that the security referred to is abundantly sufficient for all the purposes of the land-owners?—No, I do not think it is. I think it would lead to very great confusion. I am clearly of opinion it would be much more satisfactory to the land-owners to have proper maps; if not, the necessity for attaching a map should be altered and repealed; the only alternative is altering that part of the bill or having maps made accurate and perfect.

213. *Chairman.*] Suppose the map could be dipensed with, you would be obliged to have evidence of the correctness of the measurement of all the fields on which the apportionment was made?—We must have evidence of the correctness of the admeasurement, and I do not know how that is to be obtained but by maps.

214. Can that be obtained at a cheaper rate than by the process of making a survey?—I should think not. I know of no check that can be imposed, except the responsibility of the parties; if you confide the measurement of the land, where disputes arise as to the apportionment, to very trust-worthy men, you will probably have no reason to be dissatisfied.

215. Mr. *R. Clive.*] Would a book of reference, describing the fields, be sufficient?—If you can be satisfied that the measurement was correct.

216. Mr. *Stanley.*] In case of tithes on a settled or entailed estate, where the owner proposes to sell the estate at a certain period, and the tithe-payer to redeem those tithes, are you prepared in such a case as that to sanction the subjecting of the party to the payment of this process?—If a party so circumstanced were to apply to us, we should recommend to him to let the case stand over till the last possible moment, and not to attempt a commutation until he had made his arrangements as to the redemption; we should not be able to relieve him from the expense in case the parties proceeded; our obvious course would be to say, "We shall not press you to commute your tithes; take your own time till you can get this satisfactorily arranged;" we should not proceed compulsorily to force them to commute; all such cases as those, we should leave till the very last.

217. Mr. *Alston.*] You are understood to say that a general system of commutation cannot be carried into effect without those maps?—If the parties can satisfy us as to the accuracy of measurement of the land, that will be sufficient for our purpose.

218. A gentleman will look, of course, to his own interest?—Certainly; if we are satisfied of the accuracy of the measurement, no inconvenience can arise ill the trace of the identity of the lands is destroyed.

219. *Chairman.*] Supposing you are perfectly satisfied by evidence of the accuracy of the measurement, the Act requiring that maps shall be laid before you, if you see that they are accurate maps, that will be all that will be necessary to carry into effect the provisions of the Act?—We are imperatively required to attach maps; we should say, it would be very injudicious to attach maps which are not accurate, and we should hope that if it is the feeling of this Committee and the House of Commons not to have accurate maps made, they will alter the law.

220. Mr. *Wrightson.*] Do you not think an inaccurate map may still be useful to the land-owner?—No; I should apprehend, as a landowner, that I should be more secure from no map at all than an inaccurate one.

221. Mr. *Alston.*] Suppose a map is brought forward, in the accuracy of which all parties agree, would you not feel yourself satisfied with that?—Before we attached our seal to it we should think that we ought to see that it was accurate, and that the parties should show us the larger plan from which it was made.

222. You would consider that all maps made within thirty years were accurate?—Sufficiently accurate for general purposes we should hope.

223. Within the last thirty years a large portion of this kingdom has been inclosed, and, on their inclosure, maps of the parishes have been made?—Certainly.

224. The probability is, that those are sufficiently accurate?—There is a great probability; there is no difficulty in testing a map, if we could see the large maps from which the reduced ones are made.

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225. Sir *Robert Ferguson.*] You state that you are convinced of the accuracy of the Ordnance maps in every case, except where an imputation has been thrown out relative to the survey of the coast of Ireland?—I am.

226. Do you know whether the error in laying down the coast of Ireland has been stated to be in the Ordnance Survey or the Admiralty Survey?—I believe it is in the Admiralty Survey; I believe it is in Captain Mudge's Survey, but I beg it to be understood that I have no means of forming an opinion whether the survey is accurate or not; I merely state what is the common report.

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227. *Chairman.*] Mr. Blamire has stated that the Commissioners are of opinion that it is necessary to have an accurate survey of the kingdom made for the purposes of carrying into effect the Tithe Commutation Act, as well as for other purposes; do you concur in that opinion?—Not that it is absolutely necessary; I think that it would be very useful.

228. Do you think, as a Tithe Commissioner, that, under the 63d section of the Tithe Commutation Act, you would feel it your duty to approve of any apportionment unless accompanied by an accurate map?—No, I should not.

229. Do you consider that the map, to be an accurate one, should be upon a scale of three chains to the inch?—Not to be an accurate one, but for the purpose of testing the accuracy.

230. You are of opinion that you cannot test the accuracy without its being on that scale?—No, we cannot test it accurately without going over the ground itself; the object of having a map on that scale is to test it by measurement upon the map itself, and comparing it with the book of reference.

231. Lieutenant Dawson has stated that that map could be furnished at an expense of 9*d.* an acre; do you know what proportion of that would be expended on the chain men?—I imagine, from having lately had a parish in which I was interested surveyed, the expense would be about 2*d.* an acre for the chain men; it cost that in the parish I refer to.

232. If the expense were to be defrayed by the public, and the land-owner found the chain men, it could be done at 7*d.* an acre?—I think it could, but then I say that I am not at all sure the land-owners can do it for that, because I think the demand for surveyors would raise the price of the work.

233. You conceive it would be done for that price only under contract?—That is the only way in which I conceive it could be done for that price, by contract in large districts.

234. Where maps are made of individual parishes it would be more expensive than if a map was made of an entire county or an entire district, because the different triangles would answer the purposes for more than one parish?—Decidedly; and in tracing the boundaries of one parish you partly trace the boundaries of two or three.

235. You consider that you have no occasion for a map on the tithe-free land?—As no tithe-free land comes under our Act, we are not called upon to have maps, and I think we have no power.

236. Do you consider where the whole of the parish is in the hands of one proprietor there is occasion for a map?—Yes, because the map is to provide for future contingencies as well as for the present.

237. A map would be requisite, in your opinion, in case of that proprietor wishing to part with any portion of his estate?—Exactly so.

238. Sir *James Graham.*] Has not a proprietor under the Act as it now stands, possessing the whole land within the parish, seeking to part with a portion of it, the power of attaching the tithe to a portion of it?—Certainly he has, if that portion is three times the amount of rent-charge, and for that purpose also a map would be expedient.

239. Not necessary?—I do not consider that a map is necessary.

240. Would a map be necessary for glebe land not subject to tithe?—Not so much, perhaps, because it would be designated by still remaining glebe.

241. Would it be necessary to have a map of tithe-free land?—No.

242. Would it be necessary to have maps of glebe land not subject to tithe?—I think it would be expedient that all descriptions of land in a parish should be mapped and designated.

243. The question is, whether it is necessary to carry into execution the Tithe Commutation

Commutation Act; for the purposes of the Tithe Commutation Act, is it necessary, under any possible circumstances, to have maps of tithe-free land?—When I am asked whether it is necessary, I consider that that means, whether it is absolutely necessary, in opposition to that which is expedient; I do not think that maps are necessary. Capt. *T. W. Butler*, R.N. 4 April 1837.

244. Do you think it would be necessary to have a map of glebe land not subject to tithe?—No.

245. Or a map of land subject to modus?—No.

246. Would it be necessary in a parish all occupied by one proprietor?—No.

247. Looking at the extent of those exceptions, do you think there would be a very accurate survey of the whole of England and Wales, those deductions being made?—My answers were on the ground that no maps were absolutely necessary, that we might carry the Act into effect without any map.

248. You are of opinion this Act may be carried into effect without any actual survey?—Yes, but I do not think it can be well done.

249. There is no insuperable objection at the present time, affecting either the justice or the policy of the measure which, in your opinion, renders a survey and map of the whole kingdom requisite?—A map is not, in my opinion, necessary, as it respects the present period.

250. The difficulties you anticipate are contingent and remote?—Yes, many years hence, perhaps.

251. Do you see no other means of averting those remote evils, except by recourse to the expensive process of mapping and survey?—No, I see none.

252. Have none occurred to you?—No.

253. Has the attention of the Commissioners been directed to the subject, whether this is a sure mode of meeting those contingent evils?—The attention of the Commissioners has been directed to the Act, which positively requires a map.

254. Had you not carried your views further, when you directed this letter to Mr. Spring Rice, dated the 18th February 1837?—We had certainly considered what would be the inconveniences of having no map.

255. Had you not contemplated, in great detail, the prospective advantages of a general survey?—Certainly we had.

256. Taking that view of the subject, what was your idea of the mode of payment for the survey?—That has never been taken into contemplation by the board; I have my own views as to what will be fair and just.

257. Do you propose to exempt the tithe-owner, and to throw it on the tithe-payer?—No, I do not; the tithe-owner should pay for the map lodged in the registry of the diocese.

258. What interest has the tithe-owner; he has his remedy against the whole of the land in the gross division?—It is expedient for him to know on what land he should sue for his rent-charge.

259. Under the Act of Parliament he may sue where he pleases, subject always to the peculiar circumstances of attaching the proportion to the whole parish?—He cannot sue upon the lands of one proprietor for the rent-charge which belongs to another proprietor.

260. At the present moment, subject only to the division of property in the parish, he may sue where he pleases to recoup himself?—He may sue on all the lands of one proprietor for the rent-charge belonging to that proprietor.

261. Is not that of itself ample security, without reference to the subdivision?—Hereafter it would be necessary for him to show that he is distraining on the right land.

262. Will the onus rest on him, under the Act, to show that he is on the right lands, or on the owner to show he is a trespasser?—If he is not upon the right land he will be a trespasser.

263. The onus of proof would be with the land-owner?—The onus lies, in the first instance, on the land-owner, but he may have his reasons, which the tithe-owner may not be able to answer.

264. You would therefore contemplate, that the tithe-owner should bear a portion of the expense of this survey?—I see no reason why he should not pay for the map to be lodged in the registry of the diocese.

265. Do you consider yourself, under the 63d clause, called upon in any degree to attest, when you affix your seal to a map, that it is accurate, and if so, have the goodness to point out the words?—By the 64th clause, the seal of the commission attached either to the plan, or the copy of the plan, is to be deemed

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satisfactory evidence of the matters therein recited or stated, or *of the accuracy of such plan;* I consider then, that the seal of the commission is a certificate of the accuracy, and I do not think we could be justified in giving that certificate, as the Act now stands, unless we are satisfied of its accuracy.

266. When all the proprietors of a parish concur in giving you a plan with an apportionment which is satisfactory to them, do you think you are a better judge of the justice of the arrangement and the accuracy of the plan than they are?—The Act requires the confirmation of the board, and it makes the seal of the board evidence of the accuracy of the plan; I therefore think that we are constituted judges, and that we cannot be justified in giving a certificate of the accuracy of it, unless we are satisfied of that.

267. In a case where all the proprietors agree in the distribution, and tender you a plan which is satisfactory to them, as well as the distribution, you would demur to affixing the seal?—I should.

268. In point of fact, this Act, according to your view, is waste paper, unless there be a survey enabling you, sitting in London, to judge of the accuracy of the plan of every parish in England?—I think, as the Act stands, we should not be justified in confirming apportionments, unless we are satisfied of the plan.

269. Then the Act is brought to a stand still?—The Act is brought to a stand still.

270. You think there is no alternative, that you are judges of the accuracy of the plan by having a map and actual survey of all England and Wales on a scale not less than of three chains to an inch?—I do not say that is the only alternative, because we might test the accuracy of the plans by measuring them upon the ground, but that would be a much more expensive process; we ask for a plan by which we can test the accuracy in the office.

271. Does the Act, as it now stands, give you the means of subjecting the parties to the expense of satisfying yourselves according to actual measurement?—Not under the voluntary part of the Bill.

272. Does the compulsory part of the Act give you the power?—We have the power of directing payment to valuers and surveyors.

273. Under which clause?—It is the 59th and the 74th and 75th clauses.

274. Why is the interference of the Legislature necessary, if you think you have the power of ordering maps to be made of every parish in England and Wales, as soon as the compulsory process comes into force?—The interference of the Legislature is requisite to the immediate execution of the Act.

275. Your construction of the 59th and 74th and 75th sections is, that when the compulsory process comes into effect, you would be able to order maps to be made of every parish at the cost of the tithe-payer?—Yes.

276. The only question, therefore, in your view, is, whether it shall be done before the compulsory process commences, since you have the power, according to your construction, of ordering those maps at pleasure to be made on any scale you think fit at the charge of the tithe-payer?—I think we have.

277. That is your construction of the Act?—It is.

278. The matter resolves itself into the question, whether the Legislature should give you the power before the compulsory process begins or not?—I think we have the power, but I foresee great difficulties in the execution of that power.

279. Wherein consists that difficulty?—The unpopularity of the measure will be one difficulty, the expense of it will be another difficulty, and there will be no mode of doing that which we are directed to do within the time; if it is done by separate parishes, there will be an impossibility of getting it done within the time.

280. Will the popularity or the expense be much varied by your proceeding to set about it immediately under the force of an Act of Parliament?—It depends upon the way in which it is done; the unpopularity would be greatly removed by the Legislature paying a part of the expense of the performance; that might obviate part of the objection on the part of the land-owner.

281. According to your construction, the moment this Act becomes compulsory you possess the power of issuing a direction that all England and Wales shall be mapped, under the directions of your board?—I think we have a power of ordering the titheable lands to be mapped, if a proper map is not furnished by the land-owner.

282. And

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282. And not only you have the power, but, according to your conscientious convictions, you never will allow the seal to be affixed, with your concurrence, to any map not of the description you have already pointed out of what you require?—We have stated here, that we think, under the Act, we are called upon to give a certificate of accuracy, and that we cannot be justified in giving that until we are satisfied of the accuracy; if we find the difficulties to be insuperable, I suppose we must give it up.

283. Then, while the voluntary process continues, you will settle nothing, unless a map be produced to you on a scale of three chains to the inch?—I cannot say that.

284. You would not be satisfied with a map on some other measurement than that?—I cannot say that.

285. Will you, or not, be satisfied with a map other than three chains to an inch, during the voluntary process?—I have already stated, that I think we should not be justified, under the Act as it now stands, in taking a map, of the accuracy of which we have no evidence.

286. You would do nothing, as a Commissioner, which you think you are not justified in doing, and you think you should not be justified without a map on such a scale?—I cannot take upon myself to say that.

287. Have you not written to a parish to that effect?—I cannot tell the parish alluded to; but it is possible we have written that we cannot take a map, of the accura y of which we are not satisfied.

288. Then the proceeding is now at a stand still?—Yes.

289. Your objections are insuperable to any map not on a scale of three chains to the inch?—I do not state that.

290. Then, during the voluntary process, you have no power of compelling those maps; but when the compulsory process begins, you believe you will have the power?—I conceive we shall.

291. Then the interference of the Legislature is quite unnecessary, except during the short period while the voluntary process remains in suspense?—I think the interference of the Legislature is quite necessary to enable us to obtain those maps which we think necessary.

292. You seek to obtain those to satisfy your own consciences, though the proprietors in the parish may be quite satisfied with the map they have, and the voluntary arrangement among themselves?—Yes.

293. According to your view, legislative interference is necessary only till the compulsory process begins; you think you can then carry the Act into effect, by ordering maps to be made on this scale, under this clause?—I think we have the power, but that it would be very inexpedient to use that power, and that it would not be possible to get the surveys completed.

294. You think the Legislature has given you that power?—I think that it has.

295. All you can require to satisfy your consciences you will possess under the compulsory process?—I think that we shall.

296. Sir *Edward Knatchbull.*] Have you been in communication with any parishes where the voluntary commutation has been attempted, where a map on an enlarged scale has been found necessary?—We have.

297. Mr. *Stanley.*] What, in your opinion, would be the effect of the land-owners taking measures for the voluntary commutation of tithes being saddled with the expense of this survey?—I have no doubt they will object very much to this expense, and I always thought they would.

298. Sir *James Graham.*] In case of the compulsory process and 9*d.* an acre charged upon the payment of the parish of Exmoor, for instance, do you think the proprietors will receive with satisfaction this tax of 9*d.* an acre?—The parish of Exmoor happens to be tithe-free.

299. Take Dartmoor?—I do not think 9*d.* an acre would apply to Dartmoor, for that would be mapped by plans and instruments at less expense.

300. Do you not think they would consider the commutation for tithes dearly purchased at that expense?—I should think they would think it very dearly purchased.

301. It would not be very acceptable to them?—I should think not.

302. When does the compulsory process begin?—In October 1838.

Capt. *T. W. Buller*, R. N.

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303. In October 1838 you will possess all the requisites to attain the survey of every parish in England and Wales?—No, I think we shall not be able to obtain that.

304. Wherein will consist the difficulty, the Legislature having, in your opinion, armed you with the power?—I have already said that, under that clause, I think we have the power, but that we shall never be able to get the thing done.

305. Why not, if the law has given you the power, and you, as a board, think that it is necessary?—The law may give us the power, and yet, in practice, it may not be practicable.

306. Wherein consists the impracticability?—From the difficulty of getting it done; a survey executed in so short a time in detached parishes.

307. Supposing the law gave you the power in the course of this session, that will only save about a year?—Rather more than that.

308. Then it resolves itself into a question of 13 or 14 months?—I do not think we should go to it in the same way.

309. What difference do you contemplate in the mode of doing it, inasmuch as the clauses you mention give you the power of ordering maps, and the tithe-payers must pay for the expense of them; what greater latitude can you desire?—We do not seek for a power from the Legislature to compel the land-owner to do that we seek for power to pay a part of the expense.

310. You contemplate this to be a great advantage to the land-owners?—Certainly, it will be for their advantage.

311. If they should be pretty generally of opinion that it will be very desirable to wait those 13 or 14 months, till the compulsory process begins, and you test your construction of those particular clauses, your wish would no longer exist to introduce this measure now, since it is intended for their advantage?—My wish is that we should be relieved from the responsibility of giving certificates of the accuracy of maps, by the Legislature saying no maps should be required, or that we should be enabled to obtain accurate maps.

312. By waiting till October 1838 you may obtain these maps or plans?—No, I think we should not be able to get the maps in time, and that, such would be the unpopularity of the measure, we should be in collision with the land-owners, and should not get it done.

313. You think the difference of 14 months removes all difficulty in point of time?—No, I think the difficulty would be the same if we had power to proceed immediately.

314. Your difficulty proceeds, in part, on the policy of the Act; it is the unpopularity of the Act?—I think it would be impracticable to get the thing done by separate parishes in time.

315. The measure, as it now stands, is an impracticable measure in your view, as Commissioners?—The mapping is, in my opinion, impracticable.

316. You hold the mapping to be a necessary ingredient, and you cannot sanction a map, without being yourself satisfied of its correctness?—As the Act stands, I think I am required to sanction the accuracy of the map.

317. Then the whole proceeding is brought to a stand still; you, the Commissioners, taking the view of the necessity of a perfectly accurate map on a certain scale, which the land-owners in many parishes, do not consider to apply?—I think it impracticable, as the Act stands.

Mercurii, 5° die Aprilis, 1837.

MEMBERS PRESENT.

Sir Edward Knatchbull.	Mr. R. Clive.
Mr. Warburton.	Mr. Wrightson.
Mr. P. Thomson.	Mr. Alston.
Sir Robert Ferguson.	Captain Boldero.
Mr. Stanley (Cumberland).	Sir James Graham.

CHARLES SHAW LEFEVRE, ESQUIRE, IN THE CHAIR.

The Reverend *Richard Jones*, called in; and Examined.

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318. *Chairman.*] YOU are one of the Tithe Commissioners?—I am.

319. Do you concur with your colleagues in the expediency of having accurate maps?—Certainly.

320. You consider that you cannot, as a Tithe Commissioner, approve of the apportionment, under the 63d clause of the Tithe Commutation Act, unless that apportionment is accompanied by an accurate map?—Clearly.

321. Do you consider it necessary that the scale of that map should be such as to enable you to compute upon the map the contents of each field?—I do; I know no other mode of our testing the accuracy of maps, or of the schedules which accompany the maps.

322. Are there many cases where no map will be required?—There are no cases of titheable lands in which no maps will be required; there are lands in the country not subject to tithe, and as to which, for the purposes of our Commission, no map is required.

323. You have no power to call for maps of lands tithe-free?—Certainly not.

324. Are they required where a modus extends over the parish?—We have a power to require maps, because lands covered with the modus are titheable lands; but the Bill presents a very easy mode of escaping from the necessity of demanding a map of large tracts of land covered by a modus, because the Bill gives the means of charging that modus on a moderate spot of land, and that spot will be all we are authorized to map.

325. In the event of all the lands in the parish belonging to one proprietor, if he chose to saddle his whole estate with the payment of the tithe, no apportionment would be required, and in that case you would not want a map?—I am not so sure of that; I think the wording of the Act is imperative; there must be an apportionment; it would be a mere matter of form; there must be an apportionment on the estate, and the apportionment under the Act must refer to a map which will be a mere skeleton in such a case; but I think we are bound to require it.

326. Supposing, under a voluntary commutation, all the landed proprietors were to agree not only for the total sum to be paid for the tithe of the parish, but to the apportionment between themselves, should you, in that case, think a map would be necessary?—Yes; I do not think a map would be at all less necessary to carry that agreement into execution, than one on a compulsory apportionment.

327. Do you think, when any commutation of tithes has been voluntarily entered into, you can consent to it without some map, or some knowledge of the contents of the parish?—Clearly not; we are imperatively required to have a map attached to every apportionment, whether it depends upon a voluntary agreement or a compulsory award.

328. Supposing a voluntary agreement or compulsory award to have been made, and no voluntary apportionment agreed on by the parties, if it was necessary for the Tithe Commission to make a compulsory apportionment, you would have the power of calling upon them to give maps?—We should have the power, and not only the power, but we should be obliged by the Act to do all which the Act

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requires should be done in every apportionment; one of the principal things to be done is mapping.

329. Would that be under the 59th clause?—It would be under the 55th clause.

330. Would the church be damnified, in a pecuniary point of view, by the absence of those maps?—It would not, in a pecuniary point of view; because I believe the rule of law is, that all lands are subject to tithe that cannot show an exemption; but there are certain higher objects connected with the church, in which it would be exceedingly damnified; I can foresee a great mass of litigation, confusion and disputed rights in future time, which would arise from not having muniments and documents which showed satisfactorily what lands were liable to distress and entry, and what lands were not. I think the Bill would be robbed of a great portion of its conciliatory character, if the avenues to that mass of litigation were left open.

331. Would the cases where maps would be required be sufficiently numerous to embrace a large proportion of the titheable lands of England and Wales?—It would embrace them all.

332. You think there can be no exception?—There can be no exception as to titheable lands, clearly.

333. Of course these maps could not be furnished, except at a considerable expense to the land-owner?—Certainly not; the average expense, I believe we have already stated, would amount to about 9*d.* an acre.

334. Under these circumstances, do you think you could carry this Bill into effect, without exciting the hostility of the land-owner?—It is already quite evident that, as to a considerable portion of the land-owners, they are now hostile to giving those maps.

335. And you think this an opportunity not to be lost sight of, of making a general survey of the kingdom?—It is clear, I think, under the Act, that we are to have maps which are to be evidence; our seals are to make such maps evidence. On turning to the 64th clause of the Act, it would appear they are to be so accurate as to be evidence, on the strength of our seals; and we are to have maps extending to all the titheable lands of England; and I have felt, all along, this was an opportunity of getting a general survey, at an expense which would not be great compared with the expense which must be incurred at all events; and we have also felt, that unless some aid and assistance be given to our commission in obtaining the maps necessary for us, we and our Bill shall be involved in great unpopularity. The 64th clause enacts, that every "statement in or map or plan annexed to such confirmed apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan."

336. Mr. *Alston.*] In the event of one individual being sole proprietor of the whole parish, of all within the assumed boundaries of the land liable to tithe, where the proprietor has no desire to apportion the tithe to any particular portions of the parish, but that it should ride over the whole of the parish, as it does now, of what use would a map be?—I am not now a judge of the necessity or use; but we are imperatively required by the Bill to demand one; no apportionment can be approved without the annexation of a map.

337. If a proprietor produces a map, and lays it on your table, and says to you, "That is, I believe, a faithful description of the whole of the lands within the parish of which I am the proprietor," on what plea can you object to that?—Under the clause I have just read, our seal upon the attested copy would be evidence against all the world of the accuracy of that map, and I should object to sealing it until I was satisfied of its accuracy, because, if it was inaccurate, I should be putting into the parish chest and the bishop's registry an inaccurate document, and making it legal evidence.

338. Mr. *Warburton.*] Not looking to the law of the case, but to the question of general expediency, granting there may be no personal inconvenience in taking a map of the proprietor, can you not conceive that, at some distant period, in case of the alienation of this land from a single proprietor, great litigation may arise out of your assuming that to be correct which should afterwards prove to be incorrect?—Clearly so; it would be a document placed in a place of public deposit, referred to with great confidence by all parties; and when the parish came to be split up, it would be a source of great error and confusion.

339. In case of its being sold to a number of proprietors, the land being alienated, would not endless litigation arise if those data which were assumed to be

be correct, proved to be incorrect?—Clearly so; and it is extremely probable that maps of that description would have their boundaries incorrect, that there would be no correct distinction between the boundaries of that parish and the neighbouring parish, and of that we have already had experience.

340. The very same remark would apply to the case of a parish belonging to many proprietors, where all the proprietors agreed?—Clearly I do not think that their agreement has much to do with the question; the map is as likely to be erroneous and mischievous.

341. The same observations which apply to a parish having a single proprietor would apply in the case of any future alienation of the parish where there were many proprietors?—The moment any change takes place the same observation would apply.

342. Looking at it as a general question, therefore, not what the precise law under the Act may be, but looking at it as a question of general expediency as regards the interests of the country generally, and the proprietor at a distant period, when the lands may have been alienated, do you not consider it a matter of the greatest moment to the country that the valuation of tithe should be founded on an accurate survey?—Clearly; I have already stated that I think the measure would be robbed of half its power of conciliation if some document of that kind were not furnished.

343. Do you not conceive that the expense of such a survey will be far less than the expense of an endless litigation, which will arise in some future period if the valuation of tithes should not be fixed on an accurate survey?—In a period of some length I think there can be no doubt of it.

344. Do you see the possibility of avoiding that litigation if the valuation is founded upon any other than an accurate survey?—I do not; it might be founded either on an accurate survey, or a terrier; a terrier attempts to set out the boundaries of lands by their abutments on other lands; I conceive it is quite impossible after changes have taken place in property, after the fences have been removed and the property has got into other hands, to ascertain, with any degree of accuracy, the lands subject to distress and entry, from land tithe free from that, unless a map has been constructed with a view to such future changes.

345. It will apparently only settle the question at present, and lay the foundation of a future litigation?—We can settle the general amount of the tithe as well without a map as with it, or nearly so, but that will not settle the various questions arising hereafter about property in tithe.

346. Granting that there may be cases of tithe-free land, or other exceptions, where it would be a hardship that the owner of the tithe-free lands should bear the expense, do you not think that, as it would be necessary to survey the tithe-able lands, and therefore you must make a survey of a very large portion of the country, it would be desirable that a survey of the tithe-free lands should also be made, throwing that expense upon the public?—Yes, clearly, throwing that expense upon the public.

347. Sir *Edward Knatchbull.*] Why do you think the whole expense in those instances should be thrown upon the land-owners and none on the tithe-owner?—The land-owners themselves are the persons who proposed the plan of apportionment in the House of Commons; it was entirely at their suggestion this plan was adopted; and I never heard a word said during the progress of the Bill about the expense; it never occurred to me to ask whether they were prudent or imprudent.

348. How is the case in Ireland?—I am not aware.

349. Mr. *Warburton.*] If the point of difference be, whether the proprietor, the tithe-owner, or the State should bear the expense, do not you think, as a national question, it would be very desirable that a survey should be made, even though at the national expense?—Clearly, much more desirable if at the national expense than if made at the expense of the land-owners.

350. Sir *James Graham.*] Since Doomsday Book, has any such survey been made of England?—Not in England.

351. No other survey having taken place since Doomsday, how has property been distinguished in England, without this particular mode of ascertaining metes and bounds?—With great difficulty, great expense, and much litigation; enough to make all the lawyers who are acquainted with it think that good maps would prevent much litigation.

352. Are the landlords, who pay this expense, or the lawyers, who reap the

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benefit from it, the best judges of the matter?—Of the particular cause of litigation, I should think the lawyers are the best judges; whether they are content to bear the burden, the landlords.

353. Might not one view with suspicion an argument from such a quarter, with a view to diminish the expense of litigation, which those who pay are willing to continue, rather than incur the risk of greater litigation and expense from the change?—I look on it with no suspicion, because it is from lawyers who stand very high, and are desirous to save their profession from some reproach.

354. How are the metes and bounds of glebe land in each parish, as contra-distinguished from the property of lay-proprietors, maintained at this moment; and how have they been from the Reformation down to this time?—There is no mode of distinction between them, no peculiar means of separating glebe land from the peculiar lands of lay-proprietors; both are the subject occasionally of great litigation.

355. Is there not a terrier preserved in each parish of the metes and bounds of church property?—No; in some parishes, not in every parish.

356. Generally speaking is their not a terrier?—I am not aware that there is generally.

357. You mentioned a terrier as one of the means which might be adopted in lieu of this map?—Yes, an imperfect means.

358. Such means have been in use from Doomsday down to this time?—Exactly, and that is supposed to be the cause of a great deal of the confusion which has arisen.

359. You state that your apprehension is that unless this system of mapping be adopted, you and the Bill would become unpopular?—No; I stated that if the mapping is adopted and the country does not take a portion of the expense, we and the Bill would become unpopular.

360. Do you agree with Captain Buller in opinion, that when the voluntary portion of this Bill shall cease and the compulsory process shall begin, in October 1838, under this Act of Parliament, you will have the power of ordering such maps as you shall think fit, and, by the clause to which you have referred, charging them upon the land-owners?—The compulsory process of the Act will make no difference whatever as to our powers; our powers as to the apportionment are the same under the voluntary as under the cumpulsory process; in each case the gross sum is got at first, under the voluntary part by agreement, under the compulsory part by award, and in either case the period in the first instance of six months is allowed to prepare an apportionment; if that is approved by us it passes, if it is disapproved it does not; but if the apportionment is produced to us with an inaccurate map, with the obligations we consider ourselves to be under, we shall reject it, and rejecting that, at the end of six months, if a perfect one is not presented to us, we have exactly the same power of proceeding ourselves to apportionment and of preparing the necessary documents which we have under the compulsory operation of the Act.

361. Is there not this great difference between the voluntary and the compulsory process, that while the process is voluntary you cannot enter on any parish until called on by a certain portion of the land-owners within it; but under the compulsory process you will have a right, and it will be your duty to enter on such parishes as you shall think fit, even against the wishes of the entire parish?—Certainly, one is compulsory as to the gross sum, and the other voluntary; but the subsequent process is applicable to the land-owner in each case.

362. If you shall continue to insist on a map of a certain description, the accuracy of which you shall certify, and the parishioners, until October 1838, shall not be willing to incur the expense of such a map, the Bill, as it relates to such parishes, until the compulsory process comes into operation, is a dead letter?—Yes, clearly; that is one of the grounds of our bringing this subject before Parliament.

363. Have you certified one voluntary arrangement?—We have received 154 agreements; I am not quite sure of the number which are confirmed; the greater part are in the course of confirmation; there will not be more, probably, than four that will not be confirmed.

364. Of those 154, how many have mapped, according to your desire?—We have had up only two maps; that takes some time; but many are about it.

365. To how many have you affixed your seal?—We have had no time to confirm any apportionment yet.

366. There

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366. There is not one case which is yet completed?—No.

367. Do you believe there will be one before the compulsory process begins, if you insist upon the maps on the scale and at the expense you have stated?—Certainly, because we have many parishes now mapping under Lieutenant Dawson's directions. They are doing it willingly. In some instances they have maps which had been used for the purposes of inclosure, which they can get on the required scale, and we have many coming up, and have many of them now preparing for us.

368. You have adopted those maps which the proprietors have offered to you, though they might be old maps and plans?—We have adopted them to this extent; we have stated that they are on the required scale; but we have also stated that we shall require them to be tested; we shall require no other, if, on testing, they prove accurate.

369. You have not declared yourselves satisfied with any old maps and plans at present?—I believe not.

370. What is the test you contemplate applying?—That is for the engineering officer to describe. I understand the principle of his test to be, to run certain lines through the parish, which will enable him to get at the gross contents of the parish with accuracy, and afterwards to examine the books and schedules, and to see whether the quantities stated correspond with those indicated by the test lines.

371. During the voluntary process, who is to bear the expense of that?—Certainly the land-owners must bear the expense; it will be a part of the expense of the apportionment.

372. You cannot compel them, until you commence on the compulsory process?—Unless they enter into a voluntary agreement, we cannot compel them to apportion; but we should require a correct map for ourselves, whenever an apportionment takes place.

373. You cannot compel them to make such map until you commence the compulsory process?—If they put themselves into our hands by agreement, we can; if they do not proceed to apportionment within six months we can make the apportionment, and can direct the costs to be paid by the parties, and issue a distress for the amount.

374. Do you think that it is generally understood by the parties interested in these voluntary agreements, that you have the power in case they come under agreement, but do not proceed to apportionment, to make such apportionment, and to compel them to pay the expenses by your power of distress?—We do our best to make them aware of it; we regularly send them the report of Lieutenant Dawson, which states that the maps must be prepared according to the report; the moment we get notice from them we send them down that report.

375. You look to the 58th clause and the 64th clause; perhaps they look to the 35th clause of the Bill?—Certainly; the power given to the land-owner under the 35th clause, is the reason of our having thought it necessary to call the attention of Government to the business.

376. You think it is perfectly clear, notwithstanding the 35th clause, that your having the power to the extent you state, is generally understood by them?—There is a very large body of land-owners who have rested on the 35th clause, and opposed that to the subsequent clauses, and declare they are ill-used by other plans than their own being required; they state that to Government as a grievance.

377. Did you not state that you will not affix your seal to any map the proprietors may send up, even unanimously, unless on such a scale that you can test its accuracy?—While the clause remains which declares that our seals shall make those maps evidence, I, for one (I cannot answer it for my colleagues), will not put my hand and seal to any map which I am not fully satisfied is correct.

378. You stated that the church is interested in having these plans?—I have not said so; I do not think the pecuniary interests of the church are involved in it; but I think the moral interests of the church are deeply involved in not having such a scene of litigation opened to it, as I think there would be, with imperfect documents of title.

379. You think that the tithe-owner, whether lay or ecclesiastical, ought to bear no portion of the expense?—Under the Act it is thrown on the land-owners, and, I think, justly, because the whole apportionment was to be at their expense; the whole of the scheme of apportionment was asked for in the House of Commons

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by them; but if I am asked now as to the justice of the church paying any part, I think it ought to pay a part, as far as the glebe is concerned.

380. Is it with a view to this Act you are called upon to execute, without reference to its policy, but in strict adherence to its letter, that you are of opinion these maps on this scale are indispensably necessary; or is it with a view to matters of general policy in connection with the operation of this Act?—I have two grounds for pressing for the maps; one, that I believe the Tithe Commutation Act cannot be peaceably and properly carried into execution for any length of time without these maps; but further than that, unquestionably I do think that maps will become necessary for so many public purposes, that this approaches so nearly to a general survey; that speaking as an Englishman, and not at all as a tithe-commissioner, I should say there are cogent reasons why the Government should not let the opportunity pass of having a general survey made.

381. For the purposes of this Act, tithe-free land need not be mapped?—No.

382. Glebe land need not be mapped?—Certainly, glebe land need not be mapped unless subject to tithe; glebe land not subject to tithe is tithe-free land.

383. Land covered by a modus, excepting in cases where it is proposed to affix the modus to a small portion of the estate, need not be mapped?—Where it is not so affixed, the whole estate must be mapped.

384. Where it is?—There, for the purposes of the tithe or for the purposes of our Act, no map will be required, and we shall require no map but of that small portion of the estate; it is for the land-owners to consider what may be the situation of the person, who has affixed a modus to a portion of his estate, but who has no record of what is free.

385. Waste land when held in common?—The waste land paying a tithe, which tithe is affixed on the enclosed lands, certainly need not be mapped.

386. Lands constituting the whole of a parish the property of one individual?—Under the Act as it stands, it will be imperative to have a skeleton and outline of the property.

387. Will it be necessary to map that on the scale of three chains to an inch?—It it a very peculiar case; we should be satisfied if the contents are properly stated, I believe Lieutenant Dawson will state that that will be sufficient.

388. After deducting those, how near should you approach to a general survey?—I must answer that question very loosely; I should think that it would amount to two-thirds of a general survey.

389. You propose that the land-owners of England should, for the purpose of a general survey, pay for the whole, when for the Tithe Commutation Act it is necessary only to map two-thirds?—I have stated no such thing; I stated that all the expense not absolutely necessary for the purposes of the Tithe Act should be paid by Government.

390. Where is that advice given in the letter to Mr. Spring Rice?—It does not appear in the letter to Mr. Spring Rice, for it was thought most decent and proper to leave the suggestion to the discretion of the House of Commons; in conversation with Mr. Spring Rice, and with another member of the Cabinet Minister now present, I have expressed that opinion; but I have gone further than that, I have also expressed a strong opinion that, as to the titheable lands themselves, it is a grave question whether the Government should not relieve the land-owner from a part of the expense.

391. Are you not taking the question of general policy distinct from the Tithe Act?—I separate the subject into two parts; I have already stated that which was necessary for the immediate purposes of the Act; the Committee have now led me to state what I consider politic, independent of the purposes of the Act.

392. Are you very confident as to the time within which you should be able to obtain maps of all England?—No; but I am quite confident an operation of that kind, conducted partly under the auspices of Government and under the control of some central authority, would be conducted in much less time than if left to the desultory efforts of the land-owners themselves.

393. For the purposes of the Act, you would require only to map two-thirds of the land?—During the operation of the Act that two-thirds might be done immediately; the other might be done afterwards.

394. Do you know how long the Ordnance Survey has lasted?—I do not.

395. If you were told it has lasted 40 years, would not that decrease your confidence in this being completed within a short period?—That would not interfere

fere in the slightest degree with my confidence; it would have depended upon the annual outlay, and the numbers employed, and whether the expense was to be thrown over a large number of years; we should have no motive whatever for scattering this expense over a large portion of time; there is no reason why it should not be completed at least as fast as the parishes can be completed for other purposes.

396. You state in your letter, that you are confident that this mapping could be conducted by means of country surveyors; has your experience of country surveyors led you to form that confident belief?—My experience of country surveyors has not been great; the belief mentioned in that paragraph rests mainly on the information of the engineering officer appointed to our Commission; he will give his own opinion; he believes that, under his own superintendence, he making certain rules and regulations, and taking care not to pay them unless those instructions are complied with, he could get an accurate map by means of country surveyors; and I believe him to be right.

397. Are the Committee to understand that you believe there is a greater probability of obtaining a very accurate survey, done in a few years, by contract, by country surveyors; that the chances of accuracy in the maps or plans of all England, so conducted, is great than under a survey deliberately executed, occupying the space of nearly 40 years, under the control of a scientific board, and conducted by highly educated and scientific gentlemen?—Yes, I do.

398. State the ground of that opinion?—The Ordnance Survey is a survey for military purposes on a confined scale, taking in a very great breadth of country, extending its observations and its triangles on a very long basis, and making use of scientific means and instruments; however accurately that may be conducted, the sort of physical accuracy got by going with the chain, and using the proper means of correction, and taking small portions of land to deal with, I believe to be the more accurate mode of the two.

399. Do you think the surveys made by country surveyors, generally speaking, are very accurate; will you describe the mode in which they do make their surveys?—I am speaking of country surveyors making surveys under the inspection of persons who should take care that they were not careless. If you look to Lieutenant Dawson's report, you will see that he insists on a triangulation extending to a whole parish, before he attempts the interior divisions.

400. Mr. *Warburton.*] Are you aware that, with regard to the details of some of the Ordnance maps, those details were done by contract, and by local surveyors?—I am; but it is fair I should also state, that I believe that work was very badly done; but that does not decrease my confidence in this being properly done; they were called on in the Ordnance Survey to do that which they had never done before; ours would be work they are accustomed to; that is more of a military nature than ours would be.

401. With regard to the exceptions of tithe-free lands and lands subject to moduses, as they would be scattered in most instances and intermixed with titheable land, it would be necessary to go to the expense of taking the boundaries of those portions of land forming the exceptions?—Wherever they are mixed that would be necessary.

402. In a majority of instances, it would be necessary to go to the expense of taking the boundaries of the land, and in taking the boundaries the principal expense would be incurred?—Certainly; if there were a hundred acres, all that would be saved would be the interior.

403. Mr. *Stanley.*] How do you mean to ascertain the metes and bounds of property generally, and manors?—It is no part of our duty to ascertain the metes and bounds of property generally, and manors, but of the titheable land.

404. Are you to be understood to say, with respect to an estate covered by a modus, that in apportioning that on only a small portion of the land of that estate, you would still require a scale of the whole of that estate?—I stated that if the modus were transferred to the corner of that estate, all we should require is that corner of the estate; I stated, at the same time, my opinion, that the land-owner himself would be benefited by having a map to be evidence of the exemption of his other lands.

405. Sir *James Graham.*] Lieutenant Dawson states, "Among the objects to be particularly attended to in practice is, that of reducing the lines measured over steep slopes in hilly districts to the horizontal plain;" and he says, "This demands special mention, because some inattention to it is not very unusual,

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though the necessity for such reduction is well known to practised surveyors, and all should be alive to the importance of using a theodolite spirit-level, or other assured means;" do you think that by contract, and in the short time which the duration of this Act will impose on the execution of the work, you will be able to find a sufficient number of practised surveyors able to use theodolites?—I can only say that the great majority of surveyors I have seen, and I have seen a great many on this occasion, have all felt insulted when they were asked whether they were able to use a theodolite; but I am neither a scientific nor practical surveyor; I know very little about it; my knowledge is so little that it may mislead the Committee.

406. Does not this bear materially on your view of the possibility of having the whole work done by contract, and within so short a period as you anticipate?—Certainly, and therefore our first step was to consult the officer who guides us on this subject upon that point, and he assures us that he can guard against any difficulty.

407. *Chairman.*] Your views are founded upon his report?—Certainly.

408. Sir *James Graham.*] Your views are founded upon Lieutenant Dawson's report?—Yes, all other surveying work will cease; all the good surveyors in the country will be at our command the moment this operation commences.

409. The surveyors and engineers have a deep interest in the adoption of this plan?—I do not know how that may be, but the most troublesome opponents we have had, I think without any exception, are the surveyors themselves.

410. Notwithstanding the prospect of having general employment?—I do not know their motive; but our most troublesome opponents have been the surveyors themselves.

411. Perhaps they do not choose to do it at 9*d.* an acre?—I cannot state all their motives, but they have been extremely opposed, and very angry about it.

412. Are you very confident about that 9*d.* an acre?—That is a question on which I do not feel myself personally responsible; I have taken the proper course, by asking those who do know about it; I feel no doubt about it.

413. You state that the measure would be very unpopular, if, under the compulsory clauses, you mapped each gentleman's estate, and compelled him to pay the expense; do you believe that the course proposed will render this measure very popular?—I do not know of any course proposed.

414. The course suggested in your letter to the Chancellor of the Exchequer, of mapping all England, as a preliminary step to the commutation of tithe; do you believe that will render the Commutation Bill more acceptable to the land-owners?—I am unable to answer that. If the commutation is acceptable, independent of the expense of 9*d.* an acre for survey, I cannot conceive that will make it less acceptable, supposing it to be paid by Government.

415. The land-owners have not yet had any experience of that, it is only a threat in reserve for them, they have not yet tasted it?—The parties who have entered into agreement have had a preliminary taste, I believe.

416. They have not paid the bill yet, have they?—No, they hope not to do so.

417. Have they had the work done yet by actual survey under compulsion?—Of course the compulsory part has not come on yet.

418. It is only surmised that they would be better satisfied with that as a general plan, than the plan as it at present exists?—No, that is not surmise. We have seen a great many owners of land interested upon the subject, and we find the moment it is stated that it will be required that a portion of the expense shall be paid by the State, the survey makes very little alteration in their satisfaction with the measure.

419. Is there a great eagerness to have this survey made, in consequence of the suggestion that the public should pay a part of the expense?—I do not know of any general eagerness; but that does away with a great deal of objection.

420. Do you think this passage in Lieutenant Dawson's Report will make it more palateable, "It (Doomsday) furnished him with the means of ascertaining the military strength of the country, and it pointed out the possibility of increasing the revenue in some cases"?—The revenue then derived from land was the revenue of the landlord, and if they saw that these maps would be likely to be productive of an increase of revenue similar to that, they would be delighted with the idea of their being made.

421. You think that was in relief of the land-owner, and not for the purpose of taxation?

taxation?—The terriers of Doomsday were for the purpose of showing, not what they ought to pay the Crown, but a general view of the Crown fiefs, wards and so on, coming to the Crown from time to time.

422. The account given by Lieutenant Dawson is, "It furnished him with the means of ascertaining the military strength of the country, and it pointed out the possibility of increasing the revenue in some cases, and of lessening the demands of the tax-collectors in others;" do you think that an increase of revenue being effected is so encouraging a prospect as to conciliate the land-owners?—Doomsday, in that respect, has no analogy with a modern survey. All the military services of the country were performed by tenure; a great part of the receipts of the country arose from fiefs and manors; it was a feudal kingdom, and it was impossible to carry on the functions of the Crown without such survey.

423. That was the last survey?—That was the only survey.

424. There is a land-tax still, is there not?—Of course.

425. You do not think it possible, if such a survey proceeds, that it can be applicable to the land-tax?—I am not aware that there is any idea of increasing the land-tax; I think there would be as much facility for doing that without a survey as with it.

426. You do not think it would give increased facility?—It might give a great facility for equalizing it; but it could be increased without it as well as with it.

427. Taking all those views, you think this survey, on those principles, will be most acceptable to the landed gentry of England?—I have not said it would be most acceptable to the landed gentry of England; I say, a survey so conducted, if at their expense, will not be popular, and would be objected to by them.

428. Mr. *Wrightson.*] Do you think this survey will be acceptable if Parliament should pass a Bill for the redemption of tithe?—That would be an additional purpose to which it might be applied; I do not think it would be more essential than it is now; its uses will be carried on to that.

429. Mr. *Warburton.*] It would facilitate partial redemptions?—It would, certainly.

430. Sir *Edward Knatchbull.*] How long do you think it will take to furnish these maps?—It is impossible to state that; if such maps were made under the auspices of Government, there is no doubt they would be made at least as rapidly as if made by private funds.

431. Mr. *Warburton.*] Would not that depend, in a great measure, upon the annual sum Parliament chose to vote towards its completion?—All the process under the Tithe Act, the moment it becomes compulsory, will depend for rapidity on the amount the public is willing to give annually; it will be done very rapidly, if a large sum is handed out to us.

432. Is not the limited sum which has been voted towards the completion of the Ordnance map annually, the principal cause of the long time it has taken to complete it?—I conceive it is.

433. Sir *Edward Knatchbull.*] Have you been led, by a communication from any source of information, to expect a grant from Parliament?—I have no peculiar source of information; our purpose in writing that letter to Government, was, partly, that a Committee might be nominated; and it is hoped, and I hope, that their report may induce Parliament to make a grant.

434. Unless that is done, the questions last put have no relevancy to the present state of circumstances?—No, not to the present state of circumstances; but to the state of things when the Act becomes compulsory; there will then be a certain unavoidable expense, and possibly the expense of a compulsory map in a majority of cases.

435. The tithe commutation cannot be completed until the whole system of mapping is finished?—It is impossible that the tithe commutation can be complete until the titheable lands are mapped.

436. Have you formed a conception what time it would take to complete this mapping?—No, I have not; it is clear, if the mapping must be done, it will not take a longer time to do it if it is under the auspices of Government, than if left to the land-owners; but what time it will take, in either case, I cannot say.

437. Supposing the survey to proceed, you cannot tell at what time it will be completed throughout all England and Wales?—I think it may be carried on with great rapidity, if we have an unlimited fund to go to.

438. If the cost is chargeable to the land-owner, will not that fund be available at all times?—It would not be less available if it comes from that source.

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439. Under the present Act, you have now power to proceed to the immediate completion of the mapping?—Supposing the Act left it as it is, we have a power of raising a fund by stringent means, to which I can only say we should be sorry to be obliged to resort, and that our being obliged to resort to them would be a public mischief.

440. You stated, that there were public reasons why this mapping should take place; will you state what those reasons are?—During the last session an Act was passed which makes it necessary to rate lands according to their rental; I take for granted an accurate knowledge of the quantities of land is necessary to get a just estimate of their rental; and it is contemplated that a great deal of mapping will be made necessary by that Act; at the same time, there is a considerable stir making as to what is called the reformation of the county-rates, putting them on a more equitable footing; that will make mapping, I think, essential; and perhaps it may be proper to state, we have already seen that maps of this description would answer another public purpose; there is constantly laid before us evidence that the boundaries of parishes are very undefined; accurate maps of this kind will prevent those boundary disputes; they may be put an end to for ever.

441. Are not all those objects matters of public utility, rather than any thing connected exclusively with the Tithe Commutation Act, and altogether of as much importance as any thing connected with the Tithe Act?—It is difficult to estimate and compare the moral value of considerations of this kind; I think they would fully justify an advance of public money.

442. Mr. *Warburton.*] These you state as grounds superadded to those reasons which arise out of the Tithe Act itself.—Yes.

443. Sir *James Graham.*] Supposing Parliament should differ from you in opinion, and should not give you access to an unlimited fund, namely, the public purse, for this purpose of mapping, how would you proceed to execute the Tithe Commutation Act as Tithe Commissioners?—While the Act remains in its present shape, I have no doubt the actual enactments as to maps would be a considerable impediment; I think we should look to Parliament for an alteration in the Act, to enable us to go on to discharge our duty.

444. What are the alterations you contemplate?—A repeal of part the 63d and part of the 64th clauses.

445. Have the goodness to point out what you would recommend to be repealed?—Two things might be done; if there was a public declaration that we were not to be responsible for the accuracy of maps, we might then proceed; I think that would lead to a vast deal of confusion, but it would release us from responsibility in that respect.

446. Which are the portions of the Act which you think, in point of fact, should be repealed?—The whole of that clause which requires us to seal and deposit maps, clause 63; I think we ought to have some proper distinction made between the map and the other parts of the instrument of apportionment, that we might not be called on to approve the whole instrument of apportionment, which now consists of a map and plan; and also a part of clause 64, which declares that all certified copies are to be evidence of the accuracy of the plan.

447. It is put disjunctively, "And every recital or statement in or map or plan annexed to such confirmed apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan;" you would have the words "or the accuracy of such plan," struck out?—Certainly; but I beg to repeat, that although it freed us from sanctioning by our seal, as authentic, such maps as should be presented to us, the doing away with an accurate map would deprive this measure of one-half of its conciliatory character, and would be followed by continual litigation.

448. You balance the object of obtaining this plan on account of its conciliatory character under the proposed alteration, with the opinion that this mapping and planning, with all this expense, if immediately executed, would not be, and is not, disagreeable to the landed proprietors?—Certainly, I believe it would not be, if not done at their expense.

449. If you found that as a body they were generally very much opposed to this mapping and plan, bearing two-thirds of the expense directly, and, indirectly, a large portion of the remaining third, your opinion would not vary as to the conciliatory

conciliatory nature of the proposition?—I have said nothing about one-third or two-thirds of the expense.

450. Did you not say, that you thought two-thirds of England must be mapped for the purpose of the commutation under the Tithe Act?—I did.

451. And that there would remain another third, which for general purposes must be mapped, but which need not be mapped for the purposes of the Tithe Act?—The proposition I have made all along is, that the Government should pay a portion of the expense of mapping those two-thirds; but I have stated the proportion as a mere guess.

452. If two-thirds be necessary for the purposes of the Act, in which the land-owners alone are interested, on what principle do you propose that the public should pay any portion of that two-thirds of the mapping which is necessary for the Commutation of Tithe?—Because I think there are a great many maps in existence which may satisfy the land-owners, which are sufficient for their own purposes; they state it as an immense hardship on them, that they should be required to go over it again; they will not, probably, be reconciled to the measure, however wholesome, if executed at their expense.

453. You are of opinion, that as it respects one-third of the land, mapping will not be necessary for the purpose of Tithe Commission?—Certainly; that is the reason why they conceive the Government should take that particular part of the expense.

454. Do you consider that the owners of a large proportion of the two-thirds take your view of the case?—It is impossible to take a correct view of the exact proportion with our limited experience, but we have found that many large owners have maps of their own estates, and that they consider it a hardship that they should be called on to make maps of this minute character at their expense; but with smaller owners, not having maps, and looking forward to mapping for parochial assessments, the measure, I do not think, is unpopular.

455. You would not, of course, have signed this letter recommending a general mapping, without giving the subject mature consideration to what uses you would apply this mapping if executed, and the extent to which you would make it conclusive evidence of boundary; would you suggest that it should be made conclusive evidence of boundary or not?—Of parochial boundaries.

456. Of the division of estates?—Of parochial boundaries, only.

457. Why would you limit it to parochial boundaries, if it is on the scale of three chains to the inch?—Because I have the means of satisfactorily settling those, and because I have not the means of settling all the disputed boundaries of private estates.

458. Do you propose that this map and survey, when once executed and deposited in a public office, should be conclusive of boundary or not?—I should answer to that, We do propose it shall be conclusive of the parochial but not of the estate boundaries.

459. You were understood to say, that one of the great objects for which it would be important to the land-owner, would be the diminution of the expense consequent on boundary litigation, if these maps were generally made?—Yes.

460. How is that consistent with your answer, that you would not propose it to be conclusive evidence of the boundaries of estates?—Because maps of this description, though not conclusive evidence, would be such cogent evidence that the half of such litigation would be strangled in its birth.

461. You conceive, in all boundary causes, that conflicting evidence should be let in as against the map or plan?—Yes, in litigation between parties.

462. Entertaining that view, you are confident that litigation would be reduced, and the cost of litigation decreased?—Yes; a document of that kind, properly made and certified, would put an end to much of the litigation which now prevails.

463. If your confidence is so great in the authenticity and paramount excellence of such a map, why are you not prepared to make it conclusive evidence as against title deeds and any other evidence?—Because such a document would be properly conclusive evidence of actually existing physical boundaries, but not of actually existing rights.

464. Rights dependent on boundaries, where the sole question in litigation is metes and bounds, not title, you having ascertained the metes and bounds; why are you not then prepared to make your map conclusive evidence?—I should be

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prepared to do it, if the legislature were prepared to enable us to go into all those questions, which are quite distinct from any operations or duties of ours.

465. The question refers to the mapping of metes and bounds, whether the production of the map shall be conclusive upon the subject of boundary between properties?—I think it might be very properly made conclusive evidence of those matters as to physical metes and bounds.

466. You incline now to make it conclusive evidence of those matters?—As to the physical metes and bounds, as to there being a road here, or a fence here, or a ditch there, and so on, but not as to the rights of the parties.

467. As to the land marks, you would make it conclusive evidence, as you would a map attached to title deeds?—I have not made any such proposal, but I see no objection to it.

468. If you had such a map or plan for general purposes, with a view to decreasing litigation, you must take your choice, either make it conclusive evidence, or not, with a view to diminishing the litigation of boundary causes; do you propose that this map or plan, made at the public expense, should be conclusive evidence, or not?—Of the physical metes and bounds, I would make it so.

469. You would decline giving to it the weight due to all maps and plans attached to deeds by which the purchase of property is affected?—Yes, the weight as to the rights of parties.

470. Mr. *Warburton.*] As to tithe cases, would you not make it conclusive evidence?—Yes.

471. In the apportionment of tithes to particular portions of land, would you not make it conclusive?—It is made so by the Act.

472. Sir *E. Knatchbull.*] Do not you imagine that parties engaged in making those plans would continually meet with questions as to the boundaries of parishes?—Yes, and I think the opportunity should not be lost of putting an end to such litigation, by allowing the boundaries for tithe purposes to be decisive for all other purposes.

473. When the surveyors meet with difficulties, as between two parishes, what means are there of obviating them?—We have continually questions of that kind; we propose that it should be left to the arbitration of one of our Assistant-commissioners.

474. Are you not aware there is a question of boundary frequently depending on very contradictory testimony?—Yes.

475. What power has the Assistant-commissioner to decide that?—He may call for papers, summon witnesses, and administer an oath.

476. You would make it conclusive as to boundaries?—I should allow the parishes to make it conclusive, as far as parish boundaries are concerned, that the decision of the Commissioner should be considered decisive as to the rights of the parish, if they do not object.

477. Captain *Boldero.*] Do you think, with the system of survey you propose with regard to the triangles, it is possible to avoid great mistakes?—That is a question I am not competent to answer; so far as I am competent to form an opinion, I think it is possible.

478. Do you consider that the surveyors, speaking generally, throughout the kingdom, understand trigonometry, and are competent to make a trigonometrical survey, if called on?—I scarcely know what is meant by a trigonometrical survey as distinguished from any moderately correct survey; I think them capable of making and using such triangles as are included in Lieutenant Dawson's plan.

479. Do you think they would form an accurate survey?—I should think so, but Lieutenant Dawson will state that more accurately than I can.

480. You stated that the Government survey was more of a military nature than yours would be; from what do you draw that inference?—From the fact that it contains no civil divisions at all.

481. Are you aware that it took every turnpike road, every bye-road, every canal, every river, and each building in existence at the time it was made?—I was aware of that; I consider that a military survey takes the divisions of roads, rivers and so on.

482. Supposing the officers employed upon this military survey were instructed to give a report of the military positions that existed in each county; if that was provided for by the instruction to the officers, would it not have been in their power to make a general survey of the kingdom?—I know nothing about the instructions to the officers nor the objects of the Government.

483. If it be a military plan, do you mean to impeach the correctness of the details?—I do not mean to impeach its correctness, but it has not those distinctions which would be requisite in ours.

484. Whether for a military or a civil purpose the details are equally requisite, are they not?—No.

485. Not the actual measurements of the ground?—Not the details of a civil survey; we want a measurement from farm to farm and all the boundaries of fields and property; they do not want all those details in a military survey.

486. They want an area survey for a trigonometrical survey?—The fences and so on will not be wanted,

487. Taking the Ordnance map and enlarging it on a scale four times that in which it now exists, would not it facilitate your present intention of a general survey?—I have looked with some interest to the possibility of making use of the Ordnance materials but I am quite incompetent to give an opinion upon that.

488. Do you think if a military officer were sent down to any parish where a dispute exists, but only those parishes, that would be sufficient for the purpose of the valuation of the tithes?—No.

489. Why not?—I believe they would not be competent to value tithes; I was not aware that was part of their education.

490. Do you think that if those employed to superintend the survey of the country were sent to the disputed parishes only, that would be sufficient for the survey of the tithes?—I am not quite sure that I take the question; no doubt if the dispute is as to boundary, the common surveyors superintended by an engineering officer would do their work much better than if not so superintended.

491. If an engineering officer were sent to settle the question as a kind of arbitrator, what reason would their be to survey the whole kingdom where no dispute exists?—The object of the survey is to have a correct plan, as a record of facts, to prevent any future disputes.

492. Do not you think the owners of estates will take care to have their boundaries ascertained for themselves?—I have given my reasons why I fear they will not.

493. Do you not think they are generally alive to their own interests?—I have already stated that their maps which have come to us are very imperfect and insufficient

494. If you gave me an inaccurate map of my estate, do you think that I should not find it out?—You, an engineer officer, might; but I do not believe that the majority of country gentlemen would.

495. *Chairman.*] Suppose an alteration in the Tithe Commutation Act, such as has been alluded to, were made by which your certificate of the correctness of a map containing the contents of all the fields were dispensed with, what do you conceive would be the effect of that alteration?—The effect of that would very often be an appeal against the apportionment; the ground of the appeal would be some mistake as to quantities, "You have taken such a man's estate as too small compared with mine," and a denial of the justice of the apportionment; in that case we might be obliged to alter it after going into proof.

496. The expense to the land-owner would in that case, probably, be very nearly equal to that he would be called upon to pay for the survey?—Yes.

497. Have you consulted surveyors as to the possibility of making this survey without a map?—I have never put that question to them, but they have talked to me about it; and I believe very few eminent surveyors would attempt it without a map.

498. Mr. *P. Thomson.*] Supposing you had not drawn the attention of Government to the point, but you had proceeded in the execution of the Tithe Act, would not accurate maps have been furnished to you, at the expense of land-owners, for all titheable land at the expiration of a certain number of years?—Certainly; under the Act as it at present stands, we should be obliged to demand and to enforce such maps.

499. Are you to be understood to say that your object in calling the attention of Government to this was a double one; first, as there was a necessity for mapping about two-thirds of the kingdom, namely the titheable land, you thought it advisable to take the opportunity of getting a survey, at the public expense, of the remaining third?—Certainly.

500. And secondly, that you thought it desirable, with a view to relieve the

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landlords, that a portion of the expense which they were subjected to upon the two-thirds, under the Tithe Act, should be defrayed by the public?—Distinctly.

501. Sir *James Graham.*] Does the last proposition appear in your letter to Mr. Spring Rice?—No, I have already stated that we did not think it decorous, when calling the attention of Government to the subject, to chalk out the particular measures, we thought that they would come more properly from this Committee.

502. You admit that the 35th clause is balanced against the clauses you have stated, and you are of opinion that a great proportion of the land-owners doubt your power of compelling maps on the scale you propose?— I think that their opposition has appeared less in the shape of doubts of our power, than of complaints of the existence of it.

503. Are you not aware that doubts are entertained by competent persons, placing the 35th clause against the other clauses, whether you have the power?—I am aware of that; I think, on the 35th clause, the land-owners can, for the purposes of mere apportionment, put into the hands of the valuers any maps they may think proper; but under the other clauses, I think that if any plans come into our hands which we do not consider fit to be a permanent record, we may have fresh plans made at the expiration of six months.

504. Mr. *Alston.*] Are you aware that within the last thirty years a very considerable portion of the country within a certain distance of London has been inclosed; that in all those inclosures the parishes have been surveyed; and under those circumstances every proprietor has been satisfied with the quantities apportioned to him, and there has been no objection to the maps; and if so, on what ground do you raise an objection to receiving them?—Every surveyor begins with a map on a large scale; we require three chains to the inch which is the usual scale; they have been in the habit of putting reduced maps into the hands of the parties; from those reduced maps the quantities cannot be accurately computed; from the larger map they can; in most cases the surveyors have this larger map; they treat it as their private property, and under the rules of the profession they refuse to give it up, because then any other man would be as competent to make the computations as they would be. Those maps exist in the hands of the country surveyors.

505. In a parish of very large extent, mapped within the last ten years, one individual is the proprietor to the extent of three-fourths of that parish; he is the lay-impropriator of the whole; he and the whole of that parish are satisfied with the quantities and the boundaries and descriptions awarded and ascribed to the church and the proprietors. If that parochial map belonging to the parish is brought before you, can you justly refuse to accept it?—We shall test it, and if it is accurate we shall not refuse it.

506. Mr. *Stanley.*] In a case of that kind, should you feel yourself justified in calling upon the parish to pay any portion of the mapping and planning?—If it was inaccurate, we should object to permitting it to mislead future proprietors, though the present proprietor might be content with it.

507. Mr. *Alston.*] The map alluded to was not done at an expense of less than 1 *s.* an acre, and it was done in the cheapest manner possible?—In a large operation it would be done less expensively.

508. That was 700 acres?—If it was 20,000 acres it would be less expensive.

509. Sir *James Graham.*] Whom do you wish to protect by this very accurate measurement; are there any parties but the land-owners and their heirs and successors?—The heirs and successors of the land-owners would be the future public; and I look to the interests of the church by avoiding the scene of litigation which may occur, if it remains an almost open question, whether every particular field is subject to distress or not, or any part of that field.

510. Your objection is double; first, as to the rights of the heirs and successors of the present land-owners who may be damnified by their unanimous satisfaction with the map of the boundaries which you reject?—When the question refers to heirs and successors, it refers to the public of England of another day. But my first care is to relieve the church from litigation.

511. Your peculiar object is a care for the church?—Yes, in the particular point of view I have stated.

512. Will not the church have a right of entry unless cause is shown, and will not the onus of proof lie upon the land-owner to show that there is a trespass?—Yes,

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Yes, they will; but we believe the church will be little benefited by that; a clergyman goes to drive off a sheep from a particular portion of land; the land-owner says, "That is exempt from tithe;" the clergyman says, "It is upon you to prove that;" and then they go to law. It will be a poor satisfaction to the church or the public during that litigation to be able to say the onus lies on the land-owner.

513. You conceive that the distinction between the one class of land and the other will be open to much difficulty hereafter?—I do; from my own limited experience I see that; but Lieutenant Dawson will give better evidence on that, having examined the maps sent to us.

514. These two objects, you have stated, constitute your sole grounds for a rigid adherence to the maps to be made at a great expense; are those your sole objects?—I have stated that I have a double object; the one object connected with the church, and with future litigation about tithes; that is one object, or class of objects; the other, that, as an Englishman, I have a right to look forward to the general benefit to be derived from this survey.

515. As a Commissioner, you have to take care only of the distant heirs and the church?—It is not the distant heirs; it is the English public of another day.

516. Mr. *Warburton.*] How distant do you believe that litigation would be?—Not twenty years.

Lieutenant *Robert Kearsley Dawson*, R.E., called in; and Examined.

Lieut. *R. K. Dawson*, R.E.

517. *Chairman.*] YOU are an Assistant-commissioner under the Tithe Commutation Act?—I am.

518. You have conducted, under Colonel Colby, the Irish Survey, have you not?—A department of the Irish Survey.

519. Have you been at all employed in the Ordnance Survey?—Yes, I have, for the last 18 years.

520. Had you the superintendence of mapping the Parliamentary boundaries under the Reform Act?—Yes, I had.

521. Have you had occasion to see any maps or plans which have been sent to the Tithe Commissioners?—Yes, I have seen several finished maps which have been sent up.

522. Had they been mapped upon the scale you recommend?—Two of them had.

523. Have you tested the accuracy of those maps?—I have, and one of them in particular.

524. Did you find that an accurate map or not?—Very much the reverse.

525. What was the variation?—I have some notes here of the examination; the first examination was made immediately after it came up on the 7th of February; it is a map of the parish of Tonge, in Kent; the differences are very considerable; a field of two acres is given as three acres and a half; I have the map here, and can produce it if it is wished—[*the Witness produced the same*]; —there are two fields, No. 30 and 31; one is stated to be three and a half acres, the other only three-quarters of an acre; they are very nearly the same size on the plan; one being two acres; the other two and a half.

526. Mr. *Warburton.*] Do you state this from examination of the map, or have you been on the spot?—From the measurement of the map.

527. *Chairman.*] Did you find other inaccuracies equal in extent to those you have named?—A field of two acres on the plan is given as one and a half in the reference book; another of one acre and a quarter as two acres; one acre and a quarter again as two and a quarter; two and three quarters as one and three quarters. I leave out the perches in each case.

528. Will you explain to the committee how you tested the accuracy of the map?—By dividing the fields into triangles and measuring their area upon the plan.

529. Sir *Edward Knatchbull.*] Are the quantities wrongly stated in the reference?—If I am to assume them to be right in the book of reference, the plan must be incorrect; otherwise the reference-book must be wrong; I have no means of judging whether either of them is right.

530. Did you point out to the surveyor the inaccuracy?—The plan was sent back to the parish.

531. What explanation, if any, did he give?—It was sent back with the statement I have given to the Committee, and came up again very considerably altered.

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This tracing throws a part of the plan in the state in which it first came up. The inclosure, No. 2, was stated to be "cottage and garden;" I pointed out to the surveyor, that it was not so represented in the plan, and many other differences such as I have before stated. The plan came back altered, and with the inclosure No. 2 altogether omitted; it is not now upon the plan at all.

532. *Chairman.*] Can you state whether that map has been recently made for the Tithe Commission?—I was informed by the surveyor that it had been made immediately before it was sent up.

533. Sir *Edward Knatchbull.*] Do you consider the plan now as accurate?—No, very inaccurate.

534. Must you employ surveyors of the same description and character as the gentleman who has mapped this map, if the survey is to be made?—I think the gentleman who drew the map would be able to make it; but it has been made by two surveyors. One of the surveyors measured the fields, and gave his measurements to the other, who endeavoured to adjust the new measurements to an enlarged plan.

535. From the experience you have derived from that map, do you not apprehend there would be great danger of inaccuracy in employing the description of persons who must be employed, if the mapping throughout England is persevered in?—No, I think not; for they would be employed under proper superintendence.

536. Do you think that the persons who have made inaccuracies in those maps would be competent?—I think they would not attempt the entire work of completing the plan themselves.

537. *Chairman.*] Is that plan drawn to a scale of three chains to an inch?—It is.

538. Why do you particularly recommend that scale?—Because it would enable me to compute the acreage from the plan with accuracy, and to lay out the different lands upon the ground at any future time, should the fences or other boundary lines be removed.

539. You consider that there would be no difficulty in getting plans of the whole country mapped to that scale by the ordinary surveyors of the country?—None at all, because it is the scale on which they generally work.

540. How would you perform it so as to insure accuracy?—I would insure the accuracy of the work by measuring lines through the parish in different directions, and intersecting remarkable objects, by means of instruments, from those lines, which objects could then be laid down upon paper, and compared with the plan, to show whether the objects represented upon the plan were in their true positions.

541. When a map has been once formed upon that plan, supposing any original boundaries were to become obliterated, would you be able to supply them from the map?—I could do it with certainty, if the lines of construction, the lines originally measured upon the ground, were preserved upon the plan.

542. There would be no objection to preserving those lines, on the contrary, it would be an advantage?—It would be a very great advantage to preserve these, and attended with very little trouble or cost. The lines measured upon the ground must be laid down upon the paper for the construction of the plan. The usual practice is afterwards to rub them out, the lines being drawn only in pencil. Instead of which, I would recommend their being drawn in red ink.

543. If those lines are preserved, those maps will be very valuable, as pointing out distinctly the boundaries of the particular properties described upon the plan?—They would be particularly valuable for re-determining those boundaries.

544. Sir *Edward Knatchbull.*] Do you know whether the apportionment in the parish of Tonge has been completed?—The apportionment has been sent up.

545. That is considered satisfactory?—I do not know that it is.

546. Why has the map been retained by the Commissioners?—I believe with a view to submit it to this Committee.

547. Mr. *R. Clive.*] Though the map is incorrect in its details, is it correct in the gross, as to the quantity of acres?—I have not examined the total area, but one field of 20 acres is represented as 21. There are errors now in the plan to the amount of one in 25; one in eight, and one in six, in some of the fields I have examined.

548. You have not ascertained whether the gross amount agrees with that stated, as the contents of the whole parish?—No.

549. Sir

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549. Sir *Edward Knatchbull.*] The surveyor has not given any account of the errors, except by the alterations he has made?—He has accounted for them, by stating that it was laid down from another survey; that it has been enlarged from an old document on a much smaller scale.

550. Then it is not done from an actual survey of the parish?—The book of reference has been prepared from an actual survey of the parish, but the plan has been enlarged from a smaller one.

551. And thence the inaccuracies have arisen?—Yes.

552. Mr. *Warburton.*] That is as you judge?—I have no doubt that a great portion of the inaccuracy arises from that source.

553. Sir *Edward Knatchbull.*] Do you chance to know the date of the original plan?—I believe it to be 30 or 40 years old.

554. *Chairman.*] Is it possible, with accuracy, to enlarge a plan originally laid down on a smaller scale?—It is a very delicate operation, and I should not recommend it.

555. Captain *Boldero.*] Are the errors in that all on one side?—They are not; they are plus and minus.

556. *Chairman.*] Your estimate amounts to about 1,500,000*l.* for mapping and surveying the parishes in England?—That is as near as I can calculate, with an allowance of one-third of the whole for the assistance I should expect to derive from maps already made.

557. Would it not be a much less expensive process to map a very considerable district, than each parish separately?—A much less expensive process.

558. If the maps from which you expect to derive assistance should fail you, would that increase the expense considerably?—It would; a deduction is made in that estimate on account of maps already existing, which it is supposed will be serviceable; if that supposition should fail, it will no doubt add to the expense.

559. In your letter to the commissioners, you say, "Among the objects to be particularly attended to in practice, is that of reducing the lines measured over steep slopes in hilly districts to the horizontal plane. This demands especial mention, because some inattention to it is not very unusual, though the necessity for such reduction is well known to practised surveyors, and all should be alive to the importance of using a theodolite spirit-level, or other assured means, in the measurement of lines over hilly ground, for determining the exact allowance to be made;" do you think the surveyors of the country are competent to use the theodolite?—A great number of them are.

560. You would have no difficulty in trusting to those surveyors the use of that instrument, under competent superintendence?—They do not usually employ instruments for that purpose; they have practical methods of making the correction without the use of instruments; these methods are more or less imperfect, but the surveyors arrive at very accurate results from long habit in using them.

561. You propose to furnish them with chains?—Standard chains only, for the purpose of comparison.

562. How long should you think the survey of the whole country, on the plan you propose, would take in its completion?—That must depend upon the number of persons employed; I cannot at present form any accurate calculation of the number of surveyors to be met with in the country for the purpose, but it would be very possible to instruct other persons, who would within a very moderate time, be competent for this work; surveyors might be educated in from six to twelve months.

563. In how short a time would you undertake to complete it?—I have no doubt it might be completed in from five to ten years.

564. On what scale was the Irish Survey made?—A scale of six inches to the mile.

565. What is the difference between the scale of the Irish Survey, and the scale on which you propose this parochial survey?—This is about four times the scale of the Irish survey.

566. How long has that survey been about?—Ten years, I think, since its commencement.

567. It might have been completed in a much less period, if the Government had afforded greater means?—If a greater number of persons had been employed, I have no doubt that it might.

568. Mr. *Warburton.*] Any greater number of persons might have been employed upon it, if Parliament had furnished the necessary means?—No doubt.

569. *Chairman.*] Have you ever heard the accuracy of the Irish Survey questioned?

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tioned?—I heard, the other day, that a part of the coast of Ireland was said to be out of its place in the coast survey.

570. Mr. *Warburton.*] Do you mean that the details of the survey were inaccurate, or its general longitude or latitude inaccurate?—The report I heard was as to the position of the coast of Ireland.

571. Do you mean that it was astronomically wrong?—I heard that a part of the coast was a mile and a half out of its place.

572. That it was astronomically wrong?—I should apprehend so, but the particular nature of the error was not stated.

573. Sir *James Graham.*] Has any part of that survey been tested by other surveys, except the coast part?—I am not aware that it has.

574. Are you aware that the coast part has been tested by nautical survey?—I understand it has.

575. Are you aware that there is a nautical survey going on on the coast of Ireland?—Yes.

576. That is the only part of the survey which has been tested by another survey?—I cannot say whether any part has been tested by the railway surveys; but I have myself minutely and critically examined the townland maps of four counties, and can vouch for their accuracy in every respect.

577. Mr. *Warburton.*] Are you aware that the ordnance distance, as laid down in the Ordnance Surveys between Falmouth and Greenwich, was found astronomically wrong when it came to be tested by astronomical means?—I have heard of some difference in the longitude of Falmouth, but the circumstances are not sufficiently fresh in my memory to enable me to inform the Committee upon the subject.

578. Would any such difference be of any consequence to a survey made for such purposes as this survey is proposed?—Certainly not, because the whole would be affected alike by it.

579. Sir *James Graham.*] Is not accuracy the great object of this map on a larger scale?—It is.

580. Is not an inaccuracy on one branch strong presumption of an inaccuracy on another; if it should be found that a portion of the Ordnance Survey is inaccurate, will it not afford a strong presumption that other portions may be wrong?—The difference as to Falmouth depended, I think, on the figure of the earth.

581. Mr. *Warburton.*] Was it not that the longitude was laid down wrong, and that when it came to be tested by Dr. Tiark's time-keepers, for the purpose of ascertaining its correctness, he found it was laid down incorrectly?—I have no means of informing the Committee upon that subject.

582. *Chairman.*] The triangles laid down for the Irish Survey were much more extensive than would be required for a parochial survey?—The system of triangulation is more minute in Ireland than it is in this country; the sides are shorter.

583. The shorter the base lines of the triangles are, the more accurate will be the measurements?—The more complete the checks it will afford.

584. Mr. *Warburton.*] Have you any doubt whatever, that if Parliament were to furnish the necessary means for paying persons to be engaged in such a survey as that proposed, there would be no difficulty in finding a sufficient number of persons either now actually competent, or persons who might be educated for that purpose, to complete the work within a very moderate number of years?—I have no doubt of that; it is a very simple process, and I do not believe it would require more than six months, or, at the utmost, twelve months, to train persons for it.

585. *Chairman.*] What portion of the total expense of surveying would be the expense of the chain men?—That is generally, I believe, from a penny halfpenny to twopence an acre.

586. If the survey was to be made by the country, and the land-owners to find chain men, that would reduce it to about sevenpence an acre?—It would reduce it by one-fourth, or a fifth at the least.

587. Could not the expense be reduced by the sale of the maps after they were made?—I think not; I think the sale of the maps would barely do more than pay the expense of engraving; I do not think that a greater return is made to the Ordnance by the publication of their maps.

588. Captain *Boldero.*] The error on the coast survey is not an error arising from the Ordnance Survey, is it?—It was spoken of as a part of the coast survey. That part of the coast had not at the time been surveyed by the Ordnance. They supplied the positions of the trigonometrical points to the Admiralty, for the coast survey;

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survey; and the coast line was determined by the officers employed on that coast survey from the best means they could obtain; laid down in part probably by themselves, or obtained from other surveys already made.

589. Those were officers under the Board of Admiralty, were they not?—Those on the coast survey were.

590. Mr. *Warburton.*] In the case of Falmouth, was it not found that the lineal distance was accurately laid down; but that the astronomical distances, on examination, turned out to be wrong?—I think so; the distance on the map would be found right; the error being in the calculation of the astronomical distances.

591. Mr. *R. Clive.*] What is your opinion of the accuracy of the English Ordnance map; how far might it be applied to the purposes of the tithe survey?—I believe the Ordnance map to be as accurate as a map on that scale can be made; but it could not be used for the purposes of the tithe survey, being on the scale of one inch to a mile. If it were enlarged to a scale sufficient to admit of computing the acreage of each of the lands, the errors would be so increased, that it would be perfectly useless.

592. Are there considerable errors in that map?—No, but in the process of enlarging, the very breadth of a line would make such a difference, when enlarged 26 times, that the map would be useless.

593. Mr. *Warburton.*] The very shrinking of the paper would make a difference?—In a map, such as that of Tonge parish, when reduced to half the scale, the errors are so great, that I should say it would not be safe to lay out lands from such reduced map.

594. Are there not certain counties, in which the original mapping was laid down on a large scale, which have been preserved in the Tower?—The county of Kent was laid down on a scale of six inches to the mile; the county of Sussex was laid down on a scale of three inches to the mile; the other maps are generally constructed on a scale of two inches to a mile, and reduced afterwards for the purpose of engraving.

595. Even the map of Kent, then, would not be on a sufficient scale?—Not to admit of computing the areas; I do not think it would be safe to compute the areas on a map of a smaller scale than three or four chains to an inch; the scale of four chains to an inch, where the fields are square, and of a tolerable size, would give the areas, perhaps, with sufficient precision; but where the inclosures are small, and the boundaries curved, it becomes very difficult to ascertain the quantities with accuracy.

596. Sir *James Graham.*] Your estimate, that this survey might be completed in five or ten years, rests upon your having access to the public purse, and an unlimited supply of money?—It would depend upon our having the means of employing an unlimited number of persons.

597. Do you think, without training youth for this particular purpose, there is an unlimited supply of competent surveyors for the work?—My opinion is, that the number of surveyors would be found insufficient.

598. You place reliance on training youth for the purpose?—Yes.

599. Before you begin the process of surveying, you have to educate surveyors?—No, there are a very considerable number competent to proceed immediately.

600. For how long a time, if confined to those now competent, would you be occupied in completing the survey of England?—It would be necessary for me to know the number now competent, which I am not aware of at present.

601. Do you think many county surveyors are competent?—I think a great number of them are competent.

602. Is a knowledge of the use of the theodolite necessary?—No; the instructions drawn up for the purpose, provide for the work being done without the theodolite.

603. The inaccuracies to which you refer in that letter, where you mention the use of the theodolite as one means, may be overcome by the spirit-level?—They may be overcome by other means; I thought it right to state the means which would do it with greatest accuracy, and therefore mentioned the theodolite; but other means may be used for the purpose.

604. Your object being perfect accuracy, how are they to attain that, on unequal ground, without a theodolite?—It may be done by a spirit-level, an instrument, the use of which is very commonly understood by country surveyors; the common practice is to raise the chain so as to be horizontal with a staff at the end of it;

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or, if the ground be very steep, to raise half the chain, or a quarter of it, and so to obtain the horizontal distance at once.

605. Do those means require an acquaintance with a theodolite?—I should prefer a theodolite for my own use; but surveyors do arrive at accuracy, from long habit, without it.

606. You say that you think that practised surveyors are necessary; do you think that practised surveyors, ignorant of the use of the theodolite, but who use other means, are sufficient in number?—There are a considerable number of such surveyors.

607. If they are not a very numerous body, and you propose to execute this by contract, do you believe it would be done very cheaply?—Our having the power of educating other surveyors for the purpose, would, I think, prevent the contract prices being very much run up.

608. You very mainly rely on the training of youths for the reduction of the cost of the work?—I think the expense, if undertaken as a general work, would be much less than if it were left to the parishes individually to do it; there would be so great a demand in that case, the number of surveyors being limited; that high prices might be offered by parishes anxious to have their surveys completed quickly; whereas, in the other case, if it were under the same superintendence, the surveys would be proceeded with in regular order; the whole force of the surveyors would be disposable for the purpose, and the power of educating a number of other surveyors, would be a considerable check upon the contract prices.

609. Your supply of surveyors would be limited, your demand for employment would be unlimited, and you contemplate under those circumstances 9*d.* an acre as the average price?—Yes, I do.

610. You speak of superintendence to insure accuracy in those youths just trained; perfect accuracy can only be obtained by very close and constant superintendence; what is the nature of the superintendence you design?—I should not propose to employ those persons just trained, on their own responsibility; but that the persons who contracted for the work should themselves train persons, and employ them in some of the minor duties, till they became gradually proficient.

611. Who is to judge of the competency of the contractors for the work to undertake the duty?—There are persons in different parts of the country, whose reputation I believe to be sufficiently established to be entrusted with the work, and testing their accuracy would be sufficient.

612. Do you propose to have a board of Commissioners to superintend the execution of the contracts, independently of the Tithe Commissioners?—It would be very desirable that persons should be employed to test the accuracy of the work.

613. How do you propose to compose that board?—I think the testing should be done by independent surveyors, while the work is going on; that they should be employed to examine the work, and to test its accuracy.

614. Who is to control the surveyors; what is your scheme of management; you must have gone into great detail before you gave in your estimate of 9*d.* an acre; will you state the detail upon which you pronounce that 9*d.* an acre will entirely cover the expense of this survey?—That estimate was not founded on any scheme proceeding into detail; but on the average expense of surveying work at the present time.

615. There has been an absence of great competition, such as will be created by a great survey?—Yes.

616. Are you not aware that a sudden and unexpected demand for any article has the universal effect of raising the price?—Yes.

617. How then can you estimate the expense, under the circumstances of a sudden and unexpected demand on the basis of the present prices without such a demand?—Because I think that the cost of the work would be very much diminished by its being undertaken in large districts, as a general measure.

618. Still it is a survey carried on simultaneously throughout England and Wales, which creates a new demand, a new state of affairs, to which present prices and present demand bear no analogy?—I do not apprehend that the prices would be much increased; where the work is required to be done in a short time, the parties would deserve to be paid more for their work; but I think there would be a sufficient check on the expense by the great number of persons who might be trained to do it.

619. You do not admit that competition in surveying produces its ordinary effect

effect of raising prices; but you rely, to keep the prices down, on fresh hands being brought in, who are to be trained and taught principally by those who are interested in keeping up the price?—The power of training other surveyors in a short time is what I should rely on.

620. You think that it can be effected in five or ten years?—I think so.

621. Mr. *Warburton.*] Are you aware that the Irish Survey called into action persons trained up to the work?—It has.

622. When you speak of an unlimited demand, does it follow that all England shall be surveyed simultaneously; must it not be done successively, and will not that rest with the persons at the head of the department?—I should think it would not all be done at the same time.

623. They would proportion the quantity, in the first instance, to be performed to the number they were enabled in the first instance to employ?—I think it must very much increase the expense of the work if the whole were simultaneously proceeded with.

624. By what time do you think that persons might be trained up to perform this work?—They would be of use almost immediately, in the course of a month probably; but, in six months, or from six to twelve months, they would be tolerably efficient surveyors.

625. Are there not many surveyors who now, with a little instruction and superintendence, would be competent to perform their work in a proper manner?—I think a great number.

626. Sir *Edward Knatchbull.*] If the work is not simultaneously performed, of course it will be much longer before it is completed?—Certainly.

627. The Tithe Commutation cannot be completed throughout England until the completion of the maps?—I am not aware of that.

628. If it is the fact that the commutation of tithe cannot be completed till the map is completed, must it not happen, unless the plan is simultaneously performed, that some part of the Tithe Commutation must be delayed?—The commutation might perhaps be completed before the maps were completed.

629. If the Tithe Commissioners state they will not put their seal to the commutation till the maps are completed, of course the commutation cannot take place till the completion of the maps?—Certainly not.

630. Then, must it not follow, if the whole is not simultaneously commenced, that much of the work must be deferred for a longer period?—Certainly.

631. Sir *Robert Ferguson.*] Must not the survey occupy a greater number of years if it is not done in the districts under Government inspection but in single parishes?—Certainly, I think so.

632. Mr. *P. Thomson.*] Are you to be understood that you anticipate greater difficulty and greater expense from competition, if parishes were left to make their own survey than if a survey under general superintendence is made?—I should expect much greater difficulty.

633. Would there be greater expense?—I should expect the expense to be much greater.

634. Do you think that if any parishes were called on under the Tithe Act to survey, the expense of surveying would be found less than 9*d.*, which you have stated to be the amount under a general survey?—I think it would generally be greater.

635. Mr. *Warburton.*] Do you not think the price, in consequence of competition, would be much greater if any of the parishes separately were to be employing surveyors to conduct their surveys than if Government were to take the work in hand and endeavour, by training up young men, to supply a sufficient number of surveyors to conduct the work?—I think that it would be much greater; that the parishes would have no check whatever on the contract prices.

636. Sir *James Graham.*] Does not that rest on the assumption that every parish will be compelled to make a new map and plan, and that the old ones will all be rejected?—No, but that a great number must be re-surveyed.

637. And that a great number of the existing maps and plans must be rejected?—Yes.

638. Will you go on with your data of 9*d.* an acre; you say, you think it will cost individual parishes more than 9*d.* an acre; how do you think 9*d.* an acre will cover the whole cost of the Government survey?—Because a great proportion of the expense will be saved by surveying parishes in districts; the boundaries would be surveyed in that case but once, and the determination

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mination of the boundaries is a very tedious work; it forms in fact a very considerable proportion of the cost of a parish survey.

639. The local surveys of parishes are conducted without superintending surveyors, without controlling commissioners; your plan contemplates superintending surveyors and controlling commissioners; have you included all those expenses in your 9*d.* an acre?—I do not think that would amount to a half-penny an acre.

640. How many superintending surveyors and controlling commissioners do you consider necessary?—I think one surveyor might examine the accuracy of the work of two counties.

641. That would make 26 superintending commissioners for the 52 counties?—I think there should be a surveyor in every two counties, and his duty should be to test the accuracy of all the surveys made.

642. How many for Wales?—The same for every two counties.

643. You would have 26 superintending commissioners, and would have district surveyors under them?—No; those are the district surveyors.

644. You would have some central control over the work?—Certainly, there should be.

645. What is your idea of centralization?—It would be better, perhaps, if I am to express my opinion to the Committee, that it should be entirely in a central office in London, or, if in the country, that the whole should be divided into three districts; there might be an office established in each of those districts, in which the plans should be received as sent in by the district surveyors, and by the contractors; the accuracy of the plans being established by the comparison, these might be examined either in district offices, or in a central office, if preferred.

646. Your establishment would be, contractors, 26 commissioners, each superintending two counties, and three great district commissioners?—Those would be the persons employed.

647. The cost of that would be about a half-penny an acre throughout England and Wales?—It would be very little more than that; I have not made a very precise calculation of the expense.

648. The 26 district commissioners would all require clerks, would they not?—A good many draftsmen would be required.

649. What would be the establishment in the district?—That would depend very much upon the rapidity with which it was required to be done.

650. You are an Assistant Tithe Commissioner?—Yes.

651. You are aware that the office you hold expires in five years from the present time?—Yes.

652. Therefore, under this Act, the whole work must he completed within five years from the present time?—Yes.

653. Therefore you are limited, in point of time, to five years from the present time?—Yes.

654. You are aware that this operation must be performed within the limit of five years?—I am.

655. Your estimate rests upon the assumption that it is to be executed within that time?—Yes.

656. You stated five or ten?—I think it may be done within five; it depends entirely upon the means at command for the purpose; with sufficient means it may be done in five years; with smaller means, as at present provided, it would probably require ten.

657. Instead of having 26 commissioners for the counties, if you had 52, one for each county?—I think 26 would be quite sufficient, but I should require more surveyors.

658. To what extent?—I can scarcely reply to that; experience would soon show with what expedition the means in the country would enable the work to proceed.

659. Would it be necessary still to have some central controlling authority in London?—I think there must be a central controlling authority in London.

660. Mr. *Warburton.*] Some such person as Colonel Colby in Ireland?—Yes; the orders must proceed from one office.

661. Sir *James Graham.*] You think that one commissioner would be enough?—I think one might be enough.

662. Mr. *Warburton.*] In Ireland there is one head?—Yes, Colonel Colby has the direction of the survey in England and in Ireland.

663. Sir *James Graham.*] Under the 26 commissioners, superintending two counties

counties each, how many district surveyors would you have?—As many as would be requisite to perform the work within five years.

664. Would it be hundreds?—I cannot say; but I calculate that a surveyor may perform about 10,000 acres in a year; at that rate it would require 740 surveyors to complete England within the five years.

665. Have all those particulars of the cost, and so on, been maturely considered by you before you pronounced on the amount?—The estimate of 9*d.* an acre was formed before these matters were taken into the account; it was made in September last year, before I took these matters into consideration.

666. All those matters of the controlling commissioners and surveyors have been considered by you since you made that estimate?—Yes; but I believe the diminution of the cost, on account of the work being performed in large districts, would amount to from one-fifth to one-fourth of the cost of surveying, and that the superintendence would not cost 1*d.* per acre, or about one-ninth of the whole, and that is amply provided for out of the saving.

667. What sort of allowance do you propose giving to the district commissioners?—It is only a rough estimate which I have made, at the rate of two guineas a day to each surveyor; which is the greatest rate provided for by the Tithe Act; and that, with a liberal provision on account of travelling expenses, if required, would not amount to more than a halfpenny an acre.

668. The three great district surveyors must have a higher allowance?—That, on the acreage of the whole country, would be very trifling.

669. The landlords would have to pay only a halfpenny an acre for that?—I do not believe that the whole expense of the most efficient superintendence would amount to 1 *d.* an acre.

670. Mr. *Warburton.*] You think that cost is quite covered by the extra expense of 9 *d.* you have put upon the survey?—Much more than covered in the diminution of cost which would arise from carrying on the work in districts.

671. How many parishes touch upon the parish of Tonge, of which you have the map?—I believe three.

672. At what would you estimate the saving of work in parishes like that, by having the survey conducted by districts, instead of intrusting to different surveyors the conduct of the survey of distinct parishes?—The surveyor who drew the plan of Tonge did not make the survey, as I have stated before; I asked him at what rate he would make the survey of that parish? He said, he had been employed to survey the adjoining parish at 9 *d.* an acre, and that he should be glad to give a plan of Tonge parish at the same rate; but if he were to survey a large district of country, he would gladly do it at 7 *d.*

673. Do not you think the diminution of work would be much more considerable than in the proportion of 7 *d.* to 9 *d.*, by giving it to one person instead of to several; the boundaries of the parish being common to other parishes, so that the different surveyors would naturally have to repeat the same work twice over?—I think the work would be very much diminished, and it would be done much more satisfactorily and much more accurately; it would enable the parties to use the secondary triangulation of the Ordnance Survey.

674. That might be placed in their hands?—Yes, it is published for a great portion of the country, and would be of very great service in securing the accuracy of the work.

675. Mr. *P. Thomson.*] When you speak of commissioners for every two counties, do you mean surveyors?—I speak only of surveyors.

676. By the word commissioners, you meant surveyors?—I did not use the word commissioners.

677. Of what class would those surveyors be?—They would be of the better class of surveyors.

678. Do you expect you should find any difficulty in procuring surveyors competent to undertake that business?—No, a sufficient number might readily be found, such as are employed in the Ordnance Survey; young men, well educated in the business of surveying, active and intelligent.

679. Would there be any difficulty in obtaining those surveyors at the cost limited in the Act for payment of surveyors now?—No, certainly not; at that rate of remuneration.

680. When you spoke of training persons for this purpose, would any length of time be necessary to enable persons to execute those duties?—I think about six months; six months in many cases would be found sufficient; they would obtain

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a knowledge of the duty perhaps in one month, but they would require practice to qualify them to work rapidly and accurately.

681. Would they be uselessly employed for six months, or usefully employed during the time they were learning?—They would be of use immediately in attending on the operation, and assisting in taking measurements.

682. So that if they were not employed, some one else must be employed in their place?—Yes, or the work would not proceed to the same extent.

683. The instruction of those persons would not be attended with expense?—I think they should be instructed by the contractors; the contractors would find it for their interest to train them; there would not be any direct expense to the public, unless a school were formed for that purpose, then the expense would be directly borne by the public.

684. Should you consider that necessary?—Only in the event of difficulties being thrown in the way, and a sufficient number not being trained by the contractors.

685. Would they not learn their business best upon the ground?—Yes.

686. Captain *Boldero.*] Are the non-commissioned officers, and the best part of the sappers and miners well capable of using the theodolite?—Those employed on the survey of Ireland are.

687. Are there not a great number of non-commissioned officers employed in Ireland?—Yes, and they are all capable of using the theodolite.

688. What pay do they get?—They get a small working pay in addition to their military pay; I think it amounts to a 1*s.* or 2*s.* a day; but I cannot speak positively as to that.

689. Is that amount dependent upon the extent to which the survey of Ireland proceeds?—No, on their qualifications, and the service they perform.

690. When employed in the survey yourself, did you work from the field-book in the Ordnance map, or copy it from some other plan?—I have been employed in every department of the Ordnance Survey. When employed in surveying, I worked of course from the field-books; but not in the other operations.

691. Could the field-books be made applicable to your survey of the kingdom?—I think not, being intended for so much smaller a scale.

692. You were employed in Shropshire to survey the Wrekin; do you think country surveyors are competent to make a survey of that?—Yes, perfectly.

693. Accurately?—Yes, accurately.

694. How would they do it?—They would do it by measuring lines over it, and reducing the measured distances to a horizontal plane, which would of course be necessary to be done.

695. Sir *James Graham.*] Who will have the selection of the youths to be trained to this profitable employment?—I do not know that; I suppose the central superintendence.

696. That patronage you propose to vest in the central controlling board in London?—The responsibility would be theirs, and they should have the selection of the parties.

697. Are you to be understood that, according to your notion of this general survey, the boundaries of estates would be defined, as well as the boundaries of parishes?—It is provided in the Tithe Act, that every inclosure shall be numbered upon the plan, and the proprietor's name given in the book of reference, so that it will be possible, from the book of reference, to mark out every individual property.

698. If a commissioner has said that this survey would be a test of the evidence of parochial boundaries, but no test of the evidence of the boundaries of estates, would you concur in that opinion?—It would be equally a test of the boundaries of parishes and the boundaries of estates.

699. Mr. *P. Thomson.*] Did you not say that the contractors would be the persons to select the individuals to learn surveying?—I think it would be desirable that the contractors should instruct the pupils for the work.

700. What do you understand by the contractors?—The persons who would contract to provide for the survey of parishes in large districts of the country.

701. If they undertake to supply the work, they would of course use their own instruments in effecting the work?—Yes.

702. It would be entirely at their discretion?—Certainly.

703. The instruments including the persons they employ?—Certainly.

704. How do you reconcile that with what you have said as to the central board

board choosing the young men?—I referred to the appointment of district surveyors, who would check the execution of the contractors' work, and any young men who were to be educated in a school, if a school were appointed by the central superintendence.

705. You mean to say that the appointment of the district surveyors only would be left with the central authority, the contractors employing whom they pleased?—The contractors would employ whom they pleased; the central authority would have nothing to do with the work till the plans were given in and examined, nor with the means by which they were produced.

706. The district surveyors would only have to check the acuracy of the plans when sent in?—That is all, unless it were thought desirable to combine with the survey a system of levels; in which case they might carry lines of levels across the country, the measurements of the survey serving also for the levels.

707. That would not be applicable to the tithe survey?—No, they are intended for general purposes, such as of railroads, canals or roads of any sort.

708. Do you not consider that quite independent of the general survey you have referred to?—It would be independent of the Tithe Act.

709. Sir *James Graham.*] Which, upon the whole, would you recommend; to leave it to the contractors to choose their own lads, or that there should be a school of survey established under central authority?—I think it better that the contractors should do it; I only question whether they would train a sufficient number for the purpose.

710. Would they not, in estimating the price under contract, add that as an ingredient of the expense, and charge it accordingly?—No, they would have a profit upon their assistant's work.

711. From having the prospect of setting them to survey, would they derive an immediate profit?—They would very soon; it would be a comparatively short time before they derived a profit.

712. Would they not charge that?—I should think not.

713. Sir *E. Knatchbull.*] Would it not be convenient for the instruction of those young men that they should be educated together?—Not that they should be all educated together, but a certain number might; the contractors would not be interested in completing the work in the five years.

714. In order to instruct these young men, would it not be desirable a certain number should be congregated for instruction?—That would not be necessary, they would certainly all be learning the same system, if together.

715. Would not it be advantageous to the work?—Certainly, it would.

716. Sir *James Graham.*] Where do you think these lads are to be found, when, according to your idea, all surveying in England would cease after five years?—I do not think all surveying in England would cease after five years; I think a great deal of surveying work would still remain to be done.

717. It would not, in your opinion, after all, be a complete parochial survey, so as to supersede any other?—Not so as to supersede all surveying work in future, because we find that, in parishes which possess plans, surveyors are still constantly referred to.

718. Does not that arise from the supposed inaccuracy of the plans?—Not at all, but from the subdivision of properties, buying and selling, and so on.

719. Is it not proposed that every subdivision shall be marked in your plan?—Yes.

720. Would not that affect every seller, every purchaser and every change of land?—So long as the circumstances of the ground remained unchanged, but only so long.

721. Would it not give a considerable check to surveying after the five years?—I think it would.

722. What is then to become of the 740 youths trained for a survey which is to occupy only five years?—The majority are probably already trained; the education which the remainder acquire, would make them useful in other employments, in which they would find a livelihood after that period.

Jovis, 13° *die Aprilis,* 1837.

MEMBERS PRESENT.

Sir Robert Ferguson.	Mr. Stanley (Cumberland).
Sir James Graham.	Mr. Alston.
Mr. Wrightson.	Sir Edward Knatchbull.
Mr. Miles.	Mr. R. Clive.
Viscount Ebrington.	Captain Boldero.

CHARLES SHAW LEFEVRE, ESQUIRE, IN THE CHAIR.

Mr. *John Watson,* called in; and Examined.

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723. *Chairman.*] WHERE do you reside?—At Snow-hill, near Wigton, Cumberland.

724. What is your occupation?—That of a farmer.

725. The Committee understand you have been engaged as one of the commissioners for the commutation of tithes in the parish of Kendal; is that so?—It is.

726. That commutation took place under an Act of Parliament; did it not?—It did.

727. State to the Committee the principle of the commutation authorized by that Act?—The Kendal Act was a very singular Act; the parish of Kendal contains 27 townships; only two of those townships had paid tithe of grain in kind; the principle was, that the whole 27 townships were to bear the same proportion of tithe that those two townships did to the real value; in one of the townships the tithe of grain was let at 75*l.* per annum; Trinity College agreed to take two-thirds of that sum for the township, in which we found the real value to be 150*l.*, in place of 75*l.*; the tithe of that township was consequently reduced to 50*l.*, which is one-third of the real value; the whole of the 27 townships pay one-third of the real value of the tithe of grain, and two-thirds of hay and small tithes; 25 had never paid tithe before.

728. Had the commissioners to assess a gross rent-charge for all the tithe in each township?—Yes.

729. Had the land-owners to apportion the rent-charge amongst themselves?—Yes.

730. In the progress of making that apportionment, had the Commissioners occasion to use any old maps?—We only used three township maps, and not any estate map but one.

731. Were you not empowered by the Act of Parliament to use any maps belonging to proprietors?—Yes, if they could have been laid together; but they could not be laid together; they were on different scales, and some of them not on any scale at all, taken by the eye, not by admeasurement.

732. Were there any maps tendered to you?—Yes; from 100 to 150, or even more.

733. Did you reject them?—All but one.

734. Did you find it necessary to have a new survey?—We did, except in three townships; there were three out of the 27 whose maps we adopted; those we had to test and to correct.

735. How was that survey made, by contract?—No, it was not made by contract; 8*d.* an acre was allowed by the Act; we gave the townships the privilege of making their own surveys if they thought proper; we had no power to raise any money for the surveys under the Act, therefore we gave the townships the liberty of choosing their own surveyors, and getting the work done if they thought proper; but there was not any one of the townships that chose to accept our offer; therefore we got such people as we could to survey it, and charged 8*d.* an acre.

736. That was the cost of the survey?—Yes.

737. Was there any map given in for that 8*d.*?—Yes, a map and book of reference; the 8*d.* included the taking particulars, and the map and book of reference.

738. How

738. How long did that survey take in making?—I cannot state exactly; I should think about a year and three-quarters.

739. In those townships that were not mapped, did you find it necessary to make any correction in the maps that were given in by the land-owners?—Yes, undoubtedly; one of the townships cost us 6*d.* per acre to test and correct, and I should not say that it was correct when done, because when the surveyors went over the land, they found several fences where there had been an inclosure of a common, running in an entirely contrary way to that laid down on the map; where the fields were shown upon the old map, as they actually were, we did not test them at all, but only showed the alteration where it was clearly shown by the map.

740. You say it cost 6*d.* or thereabouts, per acre to test the maps, and only 8*d.* to make the survey?—Yes.

741. On what scale was the survey made?—Four chains to an inch.

742. Were you, as a commissioner, perfectly satisfied with the accuracy of that survey?—Perfectly.

743. Did you test the accuracy of the survey upon the map?—Yes, it was tested.

744. Have you been much engaged in the valuation of tithes?—Never much, until in Kendal; I farmed the tithe of the parish of West Ward, about 20 years since, containing nearly 5,000 acres.

745. From your experience as a farmer and commissioner of tithe under this Act, do you think it would be difficult to apportion the tithes under the Tithe Commutation Act, without an accurate map?—I should say it was impossible; I have no hesitation in saying it would be impossible to do it correctly.

746. State to the Committee your reasons for believing it to be impossible?—There are no means of correcting an error without a map; unless there is a map and book of reference corresponding, it could not be done, because every one would have to give the account of the extent of his own estate, and he might just make it what he thought proper; I would take a man's word on any such matter as soon as on that; a rate made in Kendal, about six or seven or eight years since, for a poor and county rate, and every farmer gave in his land at the rent he paid; but the land-owners, who occupied their own estates, at what they thought they were worth, I presume; after we had valued those townships, and came to compare their values with the returns offered to us by the valuation for this poor and county rate, we found our valuation invariably under the rent of the farmers, and about one-third above the value which the landowners had put on the estates they occupied.

747. You think you cannot make a rate even upon a parish without an accurate survey?—No, I am sure I cannot, to make it fair and just.

748. Sir *James Graham.*] Whom did you employ to make a survey of the parish of Kendal?—We had different surveyors, six, seven or eight.

749. At what did they do it per acre?—They did not take it by the acre; we engaged them at so much by the week, wet and dry, whether they could work or not.

750. What did you pay them?—Different wages; some 2*l.* 10*s.*, some 2*l.* 5*s.* per week, and some not quite so much as 2*l.*

751. Who received the 8*d.* an acre?—The commissioners.

752. You were one?—Yes.

753. Did it cost you 8*d.* an acre?—In some townships it cost us more; I had a surveyor whom I employed, of the name of William Graham; I found his survey, though he was at the lowest price, had cost 9¼*d.* an acre; we were 1¼*d.* per acre out of pocket by his survey.

754. Altogether, did the survey of the four-and-twenty townships which were re-surveyed cost 8*d.* an acre, or was there a profit upon it?—There was a profit upon it.

755. How much?—I cannot say exactly; we lay out of the money two years; we had no means to raise any funds; if we could not have looked to a profit we should have let the parish do the survey themselves; there was one township under an inclosure, the township of Hugill, the commissioner is a Mr. Tomlinson; I can state the particulars of that, if it is wished.

756. Had the portion of the survey which cost 9¼*d.* an acre all those conventional signs, 12 different descriptions and 40 different marks?—Every field had its number and every man's name put upon it.

757. Have you seen this paper before?—No, I have not, but the fences are laid

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down exactly on each of the maps, and the name entered and referred to in the book of reference.

758. Are you yourself a practised surveyor?—No, I am not.

759. You know nothing of surveying?—Yes, I know something of it, a good deal of it.

760. Have you surveyed?—Yes, I have; I can survey, but I do not pretend to mapping.

761. Who tested the accuracy of those surveys?—Mr. Teal, of Leeds, who is an old and practical surveyor, and his clerks and my son; I have a son a good surveyor; he had the management of 13 or 14 of those townships, and Mr. Teal the others.

762. What were the means they adopted to test the surveys of the persons employed?—The usual method; I do not pretend to mapping myself, therefore I do not speak to that.

763. In addition to the 9¼*d.* an acre, there was this gentleman from Leeds?—He was the commissioner for Trinity College.

764. Did he find the plans accurate?—Yes, the new plans were accurate, but not the old ones.

765. The surveyors were very careful that all the six gentlemen employed should use chains of the same length?—Yes, they were tried every night or morning.

766. And without such a comparison of the chains every night, you do not think an accurate survey can be obtained?—I do not know; they vary very little; the variation depends upon the weather.

767. Do you not know that they do vary with the weather?—Yes.

768. And to a very large extent?—They cannot vary to a large extent; it cannot make much in a day.

769. That comparison of chains in a parish is easy, but in the kingdom if there is a survey going on simultaneously it may not be so easy?—No, but it is a regular custom to examine the chains every night; wherever a surveyor is going to work he has two points put in a wall, by which he tries his chains before he goes out in the morning; he proves his chain by that means, before he begins his work.

770. In the north of England a great deal of land is covered by modus, is it not?—Yes; I have experience myself of four different customs, all in one parish.

771. Ancient lands covered by an ancient modus have been sub-divided on sale and transfer?—Yes.

772. How is the modus distributed among the different portions of ancient land?—I do not know; the modus is such a very trifling thing; it is very little thought of in the sale of land; it is only a few pence in 100 acres.

773. A distribution takes place?—Yes, undoubtedly.

774. When land is covered by modus, where part is sold, the buyer takes his land, subject to a proportion of the modus?—Yes.

775. How is the evidence of that perpetuated; have you ever heard of difficulty arising in the north of England as to modus?—No, if the modus is held good.

776. Without any difficulty those moduses are preserved and re-distributed on purchase and sale?—Yes, there is no difficulty in that.

777. Do not you know that, except the ancient demesne lands and the waste lands, the north of England is brought into what are called tenements?—Yes.

778. Does not vicarial tithe apply separately to the different tenements?—Yes, undoubtedly.

779. To the tenements in gross?—Yes.

780. Have they not been broken up and sub-divided since the vicarial tithe was first attached to them?—No doubt, many have.

781. Is not the vicarial tithe broken up when the land is sub-divided?—Yes.

782. How is the evidence of such sub-division kept alive in the north of England?—The portion of the modus is always inserted in the title-deeds; when you buy a property there is so much of the modus attached to each allotment.

783. It is set forth in the title-deeds?—Yes, and in the condition of sale.

784. From time immemorial, as the ancient feudal tenements have been broken up, the vicarial tithe has followed the subdivision of the lands themselves?—Yes.

785. And has been set forth in the respective deeds?—Yes.

786. And they constitute the evidence of the proportion payable?—Yes.

787. Thus, there is no survey required?—No, the modus is next to nothing; it is not worth while to survey for that.

788. You

788. You know also the extensive manors in the north?—Yes, I know part of them.

789. You know of extensive manorial rights, with lords' rents attached to the different tenements?—Yes, I do.

790. Those tenements are broken up, and the lord's rent is also subdivided?—Yes, and the tenant's rent is divided as well as the lord's rent.

791. The customary fines attaching to the tenants?—Yes, those do not at all require a survey; every one before he purchases his property sees by the conditions of sale what lord's rent and what prescriptions are attachable upon the property; it does not require a survey for those at all.

792. With regard to the customary fines attaching to customary tenements, are not those fines divided in the Manor Courts on a division of the customary estate?—I never had any thing to do with those, but I should think they would, of course, be so.

793. Have you any doubt that when a portion of the customary estate is sold, and the customary tenant comes to the Lord's Court, there is in the Lord's Court a subdivision of the fine, and the lord's rent fixed and entered in the roll of the Manor Court?—No doubt it must be so.

794. Is there any difficulty in perpetuating the evidence?—No, for those are fines certain; he pays so much every year; there can be no variation.

795. Except in the amount, wherein is the difference between a commuted tithe-rent and a lord's rent, or a fixed modus?—In a commutation of tithe, for instance, if one gentleman has one-half a parish and another gentleman has the other, and that parish I will suppose to be 2,000 acres, and they commute for the tithes at 400*l.* a year, which will be 4*s.* an acre, if the one gentleman thinks it proper to give in his estate at 1,100 acres, not knowing the admeasurement, and the other, for the same reason, gives in his at 900, the person subject for the 1,100 is liable to 210*l.*, while the other pays only 190*l.*

796. If the two gentlemen agree upon the apportionment?—That is a different thing altogether.

797. In that case no plan would be necessary?—Not at all.

798. Suppose it should be shown to them that there was a slight error in the maps of the two estates produced, giving 20 acres to the one more than he ought to have, and 20 acres less to the other than he ought to have, and they were both threatened with compulsion to have a map and plan, and surveyors at two guineas a day, and a plan and survey at 1*s.* an acre, and they were to be of opinion they had better let the inaccurate map stand, and the division consequent upon it, than incur that expense, would you think it reasonable that that should be done?—They can do what they please themselves; the one can pay one-third and the other two-thirds, if they are agreed in that, so that the tithe-owner has the whole.

799. Do not you think that a small error in admeasurement would be nothing in their apprehension, in comparison with the terror of the cost of the survey?—I am satisfied that if there is not a map and survey throughout the whole country, there will be more money thrown away in litigation, in nine parishes out of ten, than the expense of a survey.

800. You are a surveyor and a commissioner?—No, I am not a surveyor; I am a commissioner; it is my opinion there can be no fair commutation at all without a survey; a man may do just what he thinks proper in the apportionment, if there is no map and survey; every one must then point out his own estate, and there will be no great saving of expense in that, for I can value nine times as much more with the map than without it in one day.

801. How is the distinction between glebe land and the land of the lay proprietor maintained in evidence in the different parishes in the north of England?—The glebe land is generally tithe-free in the north of England.

802. How are the boundaries of glebe-lands, as contradistinguished from the land of the lay proprietors, maintained?—I never knew any glebe land intermixed with other land, except in Kendal.

803. What was the evidence of the boundary of glebe land?—We have that pointed out in the survey; the glebe land was surveyed, along with the other land, in the 27 townships; then after it was surveyed and mapped, in taking the particulars, the glebe land was pointed out.

804. Who pointed it out?—The agent to the vicar pointed out the glebe land, which was marked upon the map.

 805. What

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805. What map do you speak of?—The glebe land in Kendal; that was the only one I have had to do with; then we mapped it.

806. What evidence had the vicar's agent, which enabled him to satisfy you of the ancient boundaries of the glebe land?—He was the vicar's managing bailiff.

807. Did you take his word, without any evidence?—Our plans were evidence, because they were deposited 14 days, to hear objections; the whole parish had an opportunity of detecting errors by the map, but which they could not have done without them.

808. Do you know that in almost every parish in the north of England there are terriers?—There are terriers in some parishes, and not in others.

809. Do you not know that in most of the parishes in the north of England, there is a terrier kept?—There is in many.

810. What is a terrier?—It is a survey pointing out what belongs to the church, I presume; but I never saw a terrier in my life; I never had any thing to do with them.

811. *Chairman.*] What extent of land do you occupy yourself?—I occupy now about 2,000 acres.

812. Is that land all subject to tithe?—No, about one half of it.

813. Is there more than one custom of tithing upon that farm?—Yes, in the parish of Bolton I have about 1,000 acres; there are four different customs, and in several fields two different customs.

814. Are those fields in the same parish?—Yes.

815. Sir *Edward Knatchbull.*] What are the two different customs?—A part is tithe-free, and a part is subject to tithe in kind; other fields are subject to every tithe, except hay, and free from hay-tithe; other lands pay a composition in lieu of tithe, and I have some land that pays nothing at all.

816. Sir *James Graham.*] Can you walk the boundaries of those different fields, having those different customs?—I can; but I do not suppose any other person could, because the fences have been taken up between the new land and the old; there was an inclosure of common between the new and the old; the common is subject to tithes in kind, whereas the ancient land is tithe-free; the fences were taken up; some I have taken up indeed since I have bought it.

817. You farm a large quantity of land, with varying customs, with some land recently inclosed added to it, and the boundaries of the ancient land altered?—Yes.

818. Can you conceive of any case in which it would be more difficult to point out the boundaries?—There are many, no doubt, as difficult; mine are large fields; it is the same throughout the whole parish in which I am residing.

819. You know the boundaries of the land you occupy?—I know my own land; I know no others.

820. Do not your neighbours know theirs?—I dare say they may.

821. Then there is no great national survey needed in the parish of Bolton?—There are maps, but they are worth nothing; I purchased a field of 155 acres and a half, and it measures 163.

822. You believe that every one knows the varying customs applying to the land in that parish?—I have no doubt they do.

823. Mr. *Alston.*] You stated that there were 24 new maps made; have you any of those in London?—No.

824. They were completed for 8*d.* an acre?—Yes, and the reduced plans were charged for 2*d.* an acre, which were at eight chains to an inch.

825. With every necessary mark and every necessary explanation?—Yes, with every explanation, and a book of reference.

826. The book contained every requisite?—Yes, every acre and decimal part of an acre.

827. With a description?—Yes, with the names of the proprietors and the culture too.

828. That was done for 8*d.* an acre?—Yes.

829. Sir *James Graham.*] The tithe-owner never has any difficulty in coming upon your lands, so intermixed, and demanding his tithe?—No; I farm my tithes.

830. Then the tithe-owners have never had a difficulty in coming to an arrangement?—Not with me.

831. *Chairman.*] Supposing those fields on which the different customs of tithing prevailed were in the hands of different proprietors, and it was necessary

to

to apportion the rent-charge between them, do not you think you could make that apportionment without a map?—No, it is impossible to make it accurate.

832. You think that some of those parties would be dissatisfied, and would have to come to the commissioners?—I do not know the admeasurement of the tithe-free part and the part which pays tithe in kind myself.

833. Sir *James Graham.*] This extensive estate which you occupy is not all your own, is it?—I have upwards of 600 acres of my own out of it, and I farm upwards of 300 acres; I have 800 acres in the parish of Bolton, which nearly all pays tithe in kind.

834. Six hundred acres, being your own, are the other 400 all the property of one individual?—Yes; but this is subject all to one sort of tithe; where the whole estate pays tithe in kind it will be very easily managed.

835. Of the other 1,000 acres, are any parts subject to tithe?—No, they are Lord Egremont's; they are tithe-free.

836. Mr. *Stanley.*] Do you say that where a parish can all agree, in such a case as that a survey and plan are necessary?—If the parties can all agree, it is not necessary; but if the parties cannot all agree it is necessary, because no valuer can make a satisfactory apportionment without one; it is an impossibility.

837. Where they can mutually agree among themselves, it is not necessary?—Undoubtedly they may do what they please by agreement, if one man chooses to pay for his neighbour as well as himself.

838. Sir *James Graham.*] An accurate plan in that case is not necessary?—No, they may do without, if they please.

839. Do you think that the threat of a survey and the expense of it would render it likely they would come to an agreement among themselves?—I do not think the threat of this survey would have the least effect; this is the first objection I have ever heard made, and I have been in all companies, and never heard an objection made to it before I came to town; I believe the mapping and the survey is the most popular part of the Act.

840. Though at the expense of the land-owner?—Yes, I have known rates made in parishes where there were no surveys, which have been so incorrect that they have never been acted upon; men have been paid for making them, but they have never been acted upon.

841. Mr. *Miles.*] In your experience as a commissioner, have you had maps on different scales produced before you?—Yes, all sorts of scales, from three chains to an inch to ten to an inch.

842. Have you found some on different scales sufficiently accurate to apportion tithe upon?—I think you cannot with more than four chains to an inch, that is sufficient.

843. Have you found maps of four chains to the inch sufficiently accurate to come to a decision?—Yes, some recent maps.

844. Do you think it necessary that the whole of the parishes should be surveyed on one scale entirely?—No, I do not think one scale is necessary; if a parish has been recently mapped, that map will require testing; it depends entirely upon the expense of testing the maps; old maps require a great deal, and perhaps will not be accurate when they are done; but maps may be on different scales.

845. Supposing a map has been lately made, which has been acceded to as correct by the parishioners, that it has been used for the purposes of tithe, that it has been appealed to in all cases of sale, but that it should not be exactly on a scale of three chains to an inch; do you think that that would be sufficiently accurate in the case of a compulsory award to make the tithe commutation on?—I do, if it is not more than four; it might be either three or four.

846. Mr. *Alston.*] You informed the Committee that you had been employed very much as a commissioner during your professional life; do you not sometimes act as a land-valuer?—That is my profession, rather than that of a commissioner.

847. Have you not been called upon to value for an incoming or an outgoing tenant?—Frequently.

848. How do you make out a statement of the quantities; is that given you by the outgoing tenant?—The outgoing tenant and the landlord together; if they agree, it is sufficient.

849. Have you not commonly found that the quantities of land given you by the outgoing tenant has been satisfactory to the incoming tenant?—I do not know that I have found it unsatisfactory; if there is any difference the outgoing tenant

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employs one man and the incoming tenant another; if they agree in the quantities we never give it a consideration.

850. You state that you are yourself a considerable farmer; do you not admit that the occupiers of lands, particularly of ploughed land, are pretty well able to compute without a measurement what are the actual quantities of their respective fields?—I do not know that they would come very near it.

851. Do not you know how many acres your horses can plough in a day?—We cannot tell exactly; I was in treaty for a farm of 100 acres, and when I looked at the poor-rate I found it rated at 80, I found it was not right, and I gave the farm up.

852. Suppose the case of a large parish, where there is one very considerable proprietor, that proprietor is likewise the lay impropriator; there are other proprietors in the same parish of a considerable extent; all parties know their lands' value and know their boundaries, and no dispute has arisen or can be anticipated; in such cases, can a survey be necessary?—If they agree among themselves, certainly not; if every one is satisfied, certainly not.

853. Sir *James Graham.*] If they were called upon to apportion the tithes with the assistance of surveys made within the last 10 years, would it require a new survey in that case?—No, it would not.

854. Mr. *Wrightson.*] Suppose a small degree of inaccuracy takes place in one of those maps, will the tithe owner be injured?—No, he has made his bargain; if there be an inaccuracy and the estate be a few acres more, then the man who owns the property gets the advantage, and his neighbour has to pay for that if he has more land than he has accounted for; if the whole of that land is not accounted for he is receiving a bonus which he ought not to have.

855. You do not think that any injury will be done to the tithe owner by this want of a map?—The difficulty is in the apportionment,

856. It is a question between the landowners?—Yes, and I defy any parish to be correctly apportioned without a map.

857. Sir *James Graham.*] If the tithe were redeemed there would be no occasion for any map?—No, certainly not, unless it were redeemed by the acre.

858. If it were redeemed by rent-charge there would be no necessity?—The rent-charge must be equitably apportioned before it could be redeemed.

859. Suppose, for the purpose of redeeming the tithe, you made a plan at the cost of 9*d.* an acre, and two years hence it were redeemed, the rent-charge of money would be done away?—I do say that I think there would be a great deal of money thrown away in the appeal. Without a map and survey no county and poors rates can be equal.

860. Mr. *Miles.*] If you have a good survey, what do you conceive will be the expense per acre of the apportionment?—The expense will be very small; I have been in the habit of valuing 1,500 acres in a day, with a map, and I could not value more than 120 without it, if every man had to show his own land.

861. Sir *Edward Knatchbull.*] If you have 100 acres of land subject to tithe, and you dispose of 50 ofthat quantity, do not you imagine that the proportion of tithe will be distinctly ascertained between yourself and the purchaser of the 50?—No, I do not think it can be distinctly ascertained, unless we make an agreement each to pay so much according to value.

862. Do not you imagine such an agreement must be made on the transfer of property?—It must be, I suppose.

863. Is it possible to avoid it?—Perhaps not.

864. If a portion of tithe remains on the 50 acres you sell, and the other portion on the 50 acres you keep, where will arise the difficulty in fact, in the apportioning that tithe?—If it be properly ascertained in the first place, there may be no difficulty; but if one of those fifties becomes divided again into two twenty-fives, there may be a difficulty provided they vary in value per acre.

865. If it becomes divided again into two twenty-fives, will not the same care and caution be taken on the division into the two twenty-fives as regards the apportionment of the tithe?—It may be, in such cases.

866. Is it possible to avoid it?—No; but I do not see how that bears upon it.

867. Whatever the nature of the transfer of property which takes place, that sale being made, where will the difficulty arise?—There will be always a difficulty, unless there is a map and Book of reference.

868. Where will the difficulty arise?—In the apportionment.

869. The apportionment on that assumption is already made?—It may be in the

the first instance, but every field must be proved to be more than three times the value of the tithe, according to the present Act.

870. Sir *James Graham*.] That is where a man leaves a portion of the estate and charges the tithe upon it?—Yes, that is the case I refer to.

871. Mr. *Alston*.] You are aware that in many parishes certain portions within the parish are exempt from tithe?—I am.

872. In such parishes, have you ever found any difficulty in its being accurately described to you which portion was free from tithe?—No, it is generally known what is free from tithe.

873. Are there many parishes in which there are lands to a considerable extent exempt from tithe?—Yes; the parish in which I am living is one.

874. Consequently, in those cases, the residue of the land is subject to tithe?—Yes, and probably under two or three customs.

875. Have you found any difficulty in its being shown to you which portion of land was free from tithe, and which portion was still subject to tithe?—No; that has been pointed out to me plainly enough.

876. So as to enable you to make a satisfactory arrangement?—Yes.

877. Sir *James Graham*.] In the apportionment of tithe on which a rent-charge is fixed, can you contemplate any greater difficulty on the subdivision in any part of England than exists in the north, with regard to the subdivision of tenements, subject to the lord's rent or the subdivision of land, subject to a modus?—The lord's rent and the modus are certain; they have been apportioned as parties could agree.

878. The case put is, where the rent-charge in lieu of tithes shall be fixed; when that is fixed, where is the difference between the rent so fixed and the lord's rent?—That rent-charge is not fixed until it be apportioned, and it cannot be satisfactorily apportioned unless you know the extent and value of every one's estate.

879. The difficulty is in the first apportionment?—Yes.

880. After that apportionment, you anticipate no difficulty in future times from the evidence of boundaries being lost?—I should not imagine much difficulty with regard to boundaries, but I should imagine if there was not a certain portion of the rent put on every field, and that field was put on the plan, with a number referring to the book, if that estate came to be apportioned by award, there would be a difficulty unless every field was charged with so much composition.

881. Have you read the Tithe Commutation Act?—I have.

882. That Act does not contemplate the apportionment field by field, does it?—I do not think it can be done without injustice.

883. Does that Act of Parliament contemplate the apportionment field by field?—I do not think it can be done without it equitably.

884. Viscount *Ebrington*.] You stated, in a former part of your evidence, that you could, with the assistance of an accurate map, value 1,500 acres of land a day with more ease than you could value 120 without such a map?—I could.

885. Could you from maps of the description of those which you state yourself to have rejected in the Kendal survey, have derived any great degree of assistance in the valuation of lands?—No, next to nothing, for I could only value one estate at a time from an estate plan.

886. You conceive, if you had not an accurate map, you would derive very little assistance from having any map at all?—From a township or parish map there is much greater assistance derived than from an estate map; estate maps require that you should trace out the estate field by field, but you may go with a parish or township map from one estate to another.

887. What is the usual scale of township maps?—Three or four chains to an inch.

888. You conceive a map of less size than that would be of very little use in a valuation?—We reduce the plans from four chains to eight, for convenience.

889. You value from maps of eight chains to an inch?—Yes, reduced from the working plans.

890. The working plans are, in almost all cases, four chains to an inch?—Four and three.

891. Sir *James Graham*.] How many plans did you provide at 8*d*. an acre?—Twenty-four plans; one for each township.

892. If you had been compelled to provide three for each township, would you have

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have been able to do it at 8*d.* an acre?—I do not know that we might; their being surveyed all together might have made a difference.

893. Suppose one plan cost 9*d.* an acre, what would three plans cost?—It might cost 1*d.* an acre more.

894. If any surveyor shall have stated that 9*d.* an acre was the cost of one plan, a penny an acre must be added for three?—According to the number required; of course there would be more trouble; we have two plans; one is our reduced plan.

895. Captain *Boldero.*] In testing the map of a gentleman's estate of a thousand acres, what is the greatest error you have found?—I found in the map of one estate in Kendal, a Mr. Geldart's, delivered in 990 acres, in place of 1,141.

896. Was there a book of reference given with that plan?—I am not certain, but I am pretty sure there was; on recollection, I think there was not a book of reference, but the admeasurement of every field put on the side of the plan.

897. What was the sum total?—It was given in 990 acres, and we made it 1,141; there was a very small estate near to it, belonging to the Rev. Mr. Wilkinson, only a small property, and there was an error of nine acres in that property in the same township.

898. Viscount *Ebrington.*] Suppose that, instead of reducing your working map from the scale of four chains to eight, you furnished your original working map and a book of reference, what difference would that make in the expense?—I should not make any difference between reducing a plan and copying it; we charge 2*d.* an acre for reducing, but the working plan would be on that large scale, it would be inconvenient to take into the fields to value by.

899. Captain *Boldero.*] You stated that you survey and value, but you do not map?—I do not pretend to mapping at all.

900. Who tested this plan?—The other surveyors; my son was one, and Mr. Teal, of Leeds, a regular practical surveyor, had his instruments with him, and tested the plans.

901. Mr. *R. Clive.*] What is the difference between the expense with a book of reference with a map and without a map?—The book of reference is taken from the map.

902. You could not form a book of reference without, in the first instance, establishing a map?—No.

903. Mr. *Miles.*] Did Mr. Teal make any charge for testing the accuracy of the map referred to?—No.

904. If it had been left to a surveyor of eminence, what would he have done?—He would have tried one, two or three particular fields, and if found correct he would have been satisfied with the whole.

905. There would have been a charge in that case?—It would have been a very trifling charge.

906. Mr. *Alston.*] You are understood to say that you are of opinion that maps will be the best record of the quantity and the boundaries of the fields in a parish?—There is no doubt of that.

907. Do you mean to say that a map taken now will be a record of quantities 50 years hence?—Yes, of the boundaries of parishes and estates.

908. The question respected fields?—There may be variations in fields no doubt.

909. Then that map is no longer a record, if fences are taken up?—No, the map must shew the alterations, or it is no record certainly.

910. Wherever a fence is taken down, that map must be altered?—Yes.

911. Who is to sanction that alteration?—That I cannot say.

REPORT

FROM

SELECT COMMITTEE

ON

SURVEY OF PARISHES

(TITHE COMMUTATION ACT);

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
8 *May* 1837.

[*Price 9d.*]

285.

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REPORT

FROM THE

SELECT COMMITTEE

APPOINTED

TO INQUIRE INTO THE STATE OF THE

PREROGATIVE AND ECCLESIASTICAL COURTS IN IRELAND;

WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1837.

Martis, 4° die Aprilis, 1837.

Ordered, THAT a Select Committee be appointed to inquire into the state of the Prerogative and Ecclesiastical Courts in Ireland, and to consider the Reports of the Commissioners appointed to inquire into the state of these Courts in 1826 and 1830:—And that the Committee do consist of—

Mr. Winston Barron.
Mr. Attorney General for Ireland.
Mr. Serjeant Jackson.
Dr. Lushington.
Mr. Lefroy.
Mr. O'Connell.
Mr. Serjeant Ball.
Mr. West.
Mr. Lynch.
Mr. Fitzstephen French.
Mr. Hamilton.
Lord Viscount Clements.
Mr. Villiers Stuart.
Mr. John Young.
Mr. Lucas.

Ordered, THAT the said Committee have power to send for Persons, Papers and Records; and that Five be the Quorum.

Ordered, THAT Mr. Serjeant Jackson be discharged from further attendance, and that Dr. Nicholl be added.

Jovis, 22° die Junii, 1837.

Ordered, THAT the Committee have power to report the Minutes of the Evidence taken before them to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the STATE of the PREROGATIVE and ECCLESIASTICAL COURTS in *Ireland*, and to consider the REPORTS of the COMMISSIONERS appointed to inquire into the State of these Courts in 1826 and 1830; and who were empowered to report the MINUTES OF THE EVIDENCE taken before them to The HOUSE:—

HAVE examined several Witnesses, and have agreed to report the Evidence given by them to The House.

22 *June* 1837.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 13° *die Aprilis*, 1837.

MEMBERS PRESENT:

Mr. W. Barron.
Mr. Villiers Stuart.
Mr. Serjeant Ball.
Mr. Lucas.
Mr. West.

Mr. BARRON called to the Chair.

Adjourned till 27 April, at Twelve o'clock.

Jovis, 27° *die Aprilis*, 1837.

MEMBERS PRESENT:

Mr. W. Barron.
Mr. Hamilton.

Adjourned till To-morrow, at Twelve o'clock.

Jovis, 1° *die Junii*, 1837.

PRESENT:

Mr. Lucas.

Adjourned till Monday, 5 June, One o'clock.

Lunæ, 5° *die Junii*, 1837.

MEMBERS PRESENT:

Mr. BARRON in the Chair.

Mr. Villiers Stuart.
Mr. Lucas.

Adjourned till Wednesday, at One o'clock.

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MINUTES OF EVIDENCE.

Veneris, 28° *die Aprilis*, 1837.

MEMBERS PRESENT.

Mr. Villiers Stuart.	Mr. West.
Mr. Hamilton.	Mr. French.

MR. WINSTON BARRON IN THE CHAIR.

Daniel Webb Webber, Esq., called in; and Examined.

Daniel W. Webber, Esq.

28 April 1837.

1. *Chairman.*] YOU are a barrister?—Yes, and King's counsel; I did attend the bar.

2. You were in your early days a practising barrister?—I was; I have not been in practice these 20 years.

3. You were one of the Commissioners appointed to inquire into the law courts in Ireland, the duties, salaries and emoluments of the officers?—It was offered to me when the Commission was appointed in the year 1815.

4. Were you actually a member?—I was chairman of the board.

5. The Committee have been given to understand that you attended the board very regularly?—I did during the whole of the session, except for some time that I was confined by a fever.

6. During how many years?—It was established in the year 1815, and it was the year 1828 when I ceased to be a member of it.

7. Therefore you were 13 years a member of the board?—Yes, and it continued for three years and a half afterwards.

8. But you withdrew in 1828?—No, I did not; I ceased to be a member; after that, it was not more than from two to four years' duration at the farthest.

9. To what do you attribute the length of time which it took to make your inquiries?—It proved a much more complicated and extensive inquiry than any one contemplated; it was not so easy to extract the information (which used frequently to be of a criminating nature) that it was desirous to extract, and there were frequent changes of the members of the board, which also impeded our progress.

10. You were one of those who, from the very beginning, if I am rightly informed, devoted your whole attention to this subject?—When I was first appointed to it, I attended as regularly as I could; but as soon as I became chairman, I devoted my entire attention to it; I withdrew myself from the circuit to which I had returned, and in which, after four years and a half of illness, I found my situation the same as it had previously been, which was beyond any one of my contemporaries, and I devoted myself entirely to the business of the board.

11. During the course of the sittings of the boards, and whilst you were a member of it, the Prerogative and Ecclesiastical Courts of course came under your cognizance?—As chairman of the board, it was my constant habit to attend before the meetings of the board, and to continue after it had broken up, to arrange for the business of the following day, and a great deal of the waste of time arose from some of the members being employed in the court, and not coming until a late hour, by which often half a day was consumed; and from another gentleman, a Commissioner of Bankrupts, going usually at three o'clock, which caused our board to break up; but for my own part, unless impeded by illness, I was there every day before the appointed hour, and generally stayed afterwards to make arrangements for the future business, and I did the business of preparing reports during the evening, and often until late at night.

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12. Did the Prerogative and Ecclesiastical Courts' Inquiry come under your cognizance during the time of your remaining at the board?—In a partial manner only. The practice of the board was to send out documents containing interrogatories to the persons to be examined, to which interrogatories they gave, in the first instance, written answers, which were intended to form the basis of a *vivâ voce* examination afterwards. So far as that, we had it before us many times.

13. Were these questions drawn up under your directions or by you?—It was generally a precept, containing a number of general interrogatories which had been previously adjusted at the board, printed, and these, which were termed precepts, signed by the members, were sent to the persons along with the summons to attend, in order that they might have information of the general nature of the questions to be asked.

14. You were chairman when these questions were sent out?—I was not chairman at the time these questions were adjusted; Sir Charles Saxton was; I then became chairman of the board, and continued so until I ceased to be a member altogether.

15. You said you were only partially cognizant of the inquiry that took place into the Prerogative and Ecclesiastical Courts; will you explain that?—In the first place, I was cognizant as far as the returns to these general questions, as I looked into them when they came back to the board; and in the next place, I was entirely cognizant of that part of the Report which relates to the office of judge of the Prerogative, for our attention was directed to that by Government, for a particular object which Government then had in view; that I was entirely cognizant of; and it was that only, and the *vivâ voce* examination relating to it, that I had an opportunity of being present at.

16. You told us at the commencement that you were a member of the board during 13 years; will you have the goodness to tell us what led to your retirement?—A very extraordinary circumstance, which you will allow me to explain myself. I mentioned that the members were frequently changed, which caused great interruption to the board, and very great uneasiness to me, as I felt myself, from being the chairman, peculiarly responsible. On the occasion of the death of one of these gentlemen, who indeed was very incompetent at the time, having been a very old man, I went to the Castle, at the time of the recess of the board, to speak of a successor, to urge that some person who could give me effectual assistance should be the person appointed. Mr. Gregory, the Under Secretary, told me that he had recommended to Lord Anglesea not to appoint the fifth member, inasmuch as it was expected the board would shortly cease, and it would save the public so much expense. My answer to that was, that it was impossible to go on with the board, except by having an unequal number; for that in business of so little a routine nature, differences frequently arose, and as chairman, I had not a casting voice; it was necessary to have an unequal number, and that could only be accomplished either by adding the fifth member or taking one away. The Under Secretary informed me, that the question was then before Mr. Peel, who was Secretary for the Home Department. I had known Mr. Peel personally; he was the person who offered me the situation, and as it was the time of the recess, I came over to England particularly for the purpose of inducing him to appoint a person that could assist me usefully in the remaining business of the board. He was at Brighton; I followed him down to Brighton; explained to him what I have now explained to you, and mentioned to him what I had before mentioned to Lord Wellesley, with whom I had a more familiar intercourse; that if the Government wished the business should be carried on by a diminution of members, there was no mode of doing that except by taking away one; and as we were going into an examination of the Ecclesiastical Courts, I should be extremely willing to make way for a civilian being put into my situation; but I thought it reasonable, at the same time, that that should not be done without putting me in a situation that would compensate me for having given up so much of my time, and sacrificed so much to my situation at the board.

17. By "civilian," what am I to understand in this instance?—A person perfectly cognizant of, and who practises in the Ecclesiastical Courts.

18. Then what arose from that?—The Secretary for the Home Department said, that it would lie with Lord Leveson Gower, the Secretary for Ireland, but he suggested nothing at all. So far from my having thought of resigning my situation

situation, except under the terms I have mentioned, I particularly mentioned, that if he gave me a person who could give me effectual assistance, I would undertake to finish the entire remaining business of the board in two years; whereas it took three years and a half to go on with this one court, and courts were left behind and never examined into, which would take at least as much time longer. If I had had an effective assistant, I would have undertaken to do the entire business in two years, which is the opposite of an offer to resign. Being referred thus to the Secretary for Ireland, at Dublin, I immediately, on commencing business with the board, waited upon the secretary at the Castle; I told him how I was circumstanced, and urged him to appoint the other member as soon as possible, that we might proceed in the further examination of the Ecclesiastical Courts; he said that the subject was then before the Secretary for the Home Department. After some further time I went again, and laid before him, at the desire of the then Attorney-General, a scheme of arrangement of some business which he thought would greatly benefit the subjects that we had already examined, and I was requested by him to make a memorial of it, which I did; I merely mention this to show how little it was in the contemplation either of the secretary or myself that I was making a resignation of my office. A very little time after that one of the members of the board came to me, and told me that it was intended to put a person in my place, considering that I had resigned; I immediately went to the Secretary of State for the Home Department, at the Castle, to mention how little I had given reason for that; and to remind him, that so far from that, I had suggested, on hearing that the board was about to be dissolved, that as I was then about to take a house in Merrion-square, if that were to be the case, I should not do it, but if the board was to be continued I would proceed in purchasing the house in Merrion-square, which I did afterwards purchase. He told me that he knew nothing of the intention of dissolving the board; and I did purchase the house, which I lost money upon; and it was some weeks after that that a person came to me, and told me that I was to be displaced.

19. An official person?—A member of the board. I went to Lord Leveson Gower; he seemed a little embarrassed; I reminded him of what had passed; that I never had, directly or indirectly, expressed such an intention, and I presumed that he would recall any intention he might have of putting another in my situation. I reminded him, that so far from making any resignation on my asking respecting the intended dissolution of the board, I stated, that if it was not to be reduced I would proceed in the purchase of the house; and I urged the appointment of the other member, in order that I might proceed effectually with the business, which of course was totally inconsistent with an intention to resign; as opposite as possible.

20. What took place after that?—He hesitated, and seemed very much embarrassed; I went away, and wrote to Mr. Peel, and got no satisfactory answer. I came over to England, and made an application to him; he declined seeing me, although I had been on terms of acquaintance before, for I had often dined at his house, and he was particularly attentive to me; but a gentleman was placed in my situation, Mr. Kemyss.

21. Are the Committee to understand that another gentleman was placed in your situation contrary to your own wishes?—Contrary to my express expostulation against it.

22. Was there any fault or error found with you?—I mentioned that it was impossible for me to see the transaction in any other light than as a dismissal; I required that, if there was any ground of complaint whatever against me, it should be stated to me, as I felt conscious that I could disprove it; that I should be quite glad to put my remaining at the board, or withdrawing from it, entirely on the fact of my having discharged a duty most diligently and zealously.

23. Mr. *Villiers Stuart.*] Was there a fifth member added to the board after your retirement?—There was.

24. *Chairman.*] So that I am to understand, that in place of what you recommended, having the board reduced to three persons, an additional member was added to the board, not only in your place, but in place of the other vacancy which was then open at the time you retired; it was, in fact, kept up to five persons?—Yes.

25. Mr. *Hamilton.*] You resigned, on the understanding that an additional member should be appointed in your place?—No, I did not resign at all; on the contrary, I protested against resigning, but I said, "If you wish to reduce the

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board to three, I shall be willing to make way for a person in my place, or you may put a person in my place who is a civilian; but if you do that, I shall expect to be put in a situation which will be a compensation to me."

26. Then you were superseded, in point of fact?—In point of fact, I was superseded against my consent, and an additional member appointed.

27. Were either or both of the new members civilians, as you call them?—Neither.

28. *Chairman.*] Who were the two new members?—The two new members were Mark Saurin, who was the person I particularly wished to be appointed, and the person put in my place was Mr. Kemyss, assistant-barrister of the Queen's county; I gave up my circuit, where I had considerable business, to confine myself to the business of the board, whilst Mr. Kemyss retained his situation of assistant-barrister and his attendance in court.

29. Mr. *Hamilton.*] Were you required to resign your circuit, or did it arise from the multiplicity of your duties?—It was mentioned to me, and I did resign to have the situation I was in; and my doing so was made the ground of suggesting that to other persons, particularly Chief Justice Doherty, who was obliged to resign his circuit under the example that I had resigned mine.

30. Was he at any time a member of this board?—He was; Mr. Leslie Foster was also a member of it.

31. Was any explanation at any period given to you by any one connected with the Government, as to the reason for having superseded you in the manner you have stated?—Lord Leveson Gower mentioned that I had resigned; that they understood me to have resigned. I reminded him before that I told him it was all before Mr. Peel, the Secretary of State for the Home Department. I must mention, that I never said a word about resigning further than this, "If you want to take away one, I shall be willing to make way for a civilian."

32. *Chairman.*] Is there any further explanation which you think necessary?—No; I did expostulate, but it was in vain.

Lunæ, 1° die Maii, 1837.

MEMBERS PRESENT.

Mr. Villiers Stuart.	Mr. Lucas.
Mr. West.	Mr. Hamilton.

MR. WINSTON BARRON IN THE CHAIR.

1 May 1837.

THE CHAIRMAN informed the Committee that he had received letters from Lord Morpeth and Judge Radcliffe, which were read, and ordered to be inserted in the Minutes, as follows:

My dear Lord, Hume-street, 27 March 1837.

AS the recess has arrived, I trouble you with the accompanying Statement (containing a suggestion), which has the Primate's approval. I am still in some degree labouring under the effects of an illness I had last October, and which probably would have been quickly removed, had it not been for the exertions I felt myself bound to make to avoid any inconvenience to the public from my non-attendance to the duties of my office, which must be continued, even in the vacations. I had suffered at times before from similar exertions, which were not so dangerous to me when a younger person; but I have been very nearly 21 years in my office, from which I have no wish to retire, being still able to work. I hope your Lordship will excuse the trouble I give, and if you think my suggestions unreasonable, that you will forget them; and I think your mind ought to be satisfied that the public has an interest in the matter, without much attention to the case of an individual, whose age would probably not permit him long to continue in office.

I have the honour to be
Your Lordship's obedient and faithful Servant,

Right hon. Viscount Morpeth, &c. &c. *John Radcliffe.*

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King James I. being empowered to do so by the Irish Statutes 28 Hen. VIII., c. 19, and 2 Elizabeth, c. 1, by his letters patent, made in the twentieth year of his reign, granted the jurisdiction of the Prerogative Court, and of the Court of Faculties, then distinct and separate, to the then Archbishop of Armagh and his successors for ever.

King Charles I. by his letters patent, made in the second year of his reign, empowered the archbishops to appoint permanent deputies or commissaries of the respective courts to exercise the several jurisdictions, and to grant the offices for terms of the lives of the respective commissaries, or during their good behaviour.

But those letters patent, which are also conversant of the office of registrar of these several courts, contained a proviso, "that the offices to be granted by the patentees shall be granted to be exercised by the officers themselves in person, and not by any deputy or substitute whatsoever."

This proviso, though subsequently relaxed as to the office of registrar, by patent 8 Charles I., remains in full force, as to the office of commissary, and is set forth in every appointment of a commissary.

The practice has strictly accorded with the proviso, and in no instance has any commissary taken upon himself to appoint a deputy or surrogate to supply his place in either court.

Much public inconvenience arose at various times (long before the business increased to its present extent) from the temporary illnesses or absences of the commissaries, by reason that, in consequence of that proviso no caveat could be warned or removed, nor any limited or special administration to substantiate suits at law or equity, or *pendente lite*, be granted, nor judicial act or rule done or sped, but by and before the commissary in person; and it often occurred that caveats were entered against the grant of probates or administrations to deceased persons by debtors to their assets in order to delay proceedings for recovery of the debts. It is easy to conceive the mischief and confusion likely to follow the unreasonable delay of the representation to a deceased person in a Court of Probate, which ought to be continually open, not only for the decision of legal questions, but for the protection and preservation of rights and property pending litigation.

If the illness of the commissary should be of an infectious nature, or otherwise debarring the access to him of the registrar or practitioners of the Court of Prerogative, the business of the departments must be wholly stopped, at a time, perhaps, when Parliament might not be sitting to provide a remedy. The introduction of that proviso is not easily to be accounted for, when it is considered that one great object of the patent of Charles I. was to assimilate as nearly as could be the office of Judge or Commissary of the King's Court of Prerogative in Ireland to that of the Judge or Commissary of the Prerogative Court of Canterbury.

At that time the Judges of both the Prerogative Courts of Canterbury and York were empowered, as they now are, to appoint surrogates to exercise their offices in their illnesses, or necessary absence. So in like manner the chancellors of dioceses may grant commissions of surrogacy. Every seneschal, assistant barrister, and recorder may have deputies in the like emergencies; one Master in Chancery can act for another, and one Judge of a superior court can supply the place of another; the business of the Master of the Rolls can be done by the Chancellor, whose functions can be cast upon others in his illness or absence.

The Judge of the Prerogative is the only officer whose jurisdiction ought to be in constant exercise, that cannot have it performed when necessity requires by a deputy or substitute of some sort. He is expected to be always able to act in person, in despite of illness, domestic calamities or urgent causes for his absence; for a Court of Probate (as has been observed) can never be closed, and his jurisdiction extends over the whole of Ireland, including even the Province of Armagh.

Though the courts were distinct, the office of commissary of each had been, as is believed, always granted to the same person. The office of Commissary of the Court of Faculties was almost a sinecure, though it was nearly as lucrative as that of Commissary of the Prerogative, which court requires such constant attention.

By the 40th Geo. III., c. 69, Irish, the King is enabled to grant to any person who shall have resigned the office of Judge of the Court of Prerogative, after a service of 15 years, or being afflicted with a *permanent* infirmity, disabling him from performing its duties, a pension of the then currency of Ireland of 1,000 *l.*, being 923 *l.* 1 *s.* 6$\frac{3}{4}$ *d.* of the present currency; but no retiring pension was attached to the office of Commissary of Faculties, which had no active duties, and could have been held and enjoyed notwithstanding the resignation of the office of Judge of the Prerogative by the person who had been appointed to both offices.

Thus matters remained until the Act 7 & 8 Geo. 4. was passed, whereby the offices of Commissary of the Court of Prerogative and of the Court of Faculties were consolidated into one office. The officer was prevented from practising or doing any business as a barrister or advocate, or from taking office fees, and was allowed instead a salary of 3,000 *l.* a year of the present currency from the Consolidated Fund. But no addition was made to the retiring pension which had been annexed to the office of Commissary of the Prerogative alone, the resignation whereof, after the consolidation, will necessarily effect the resignation of the office of Commissary of Faculties. So that the retiring allowance which may be granted to the resigning commissary cannot amount to one-third of the salary of 3,000 *l.*

These matters are noticed, not with the view to any increase of the retiring pension, but to show the injustice of the proviso; the effect of which is to disable the commissary, if attacked by temporary illness, from having that quiet, rest from business, and change of

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air and place that might be considered necessary, in order to prevent that temporary illness from becoming a permanent and disabling infirmity, inducing his resignation, and consequent loss of two-thirds of the income he was accustomed to receive.

It is therefore submitted, that as well for the sake of the individual commissaries as the public, some relaxation of the proviso should be made in time, by enabling the commissary in his illness, or unavoidable absence, to (*at his own expense*) grant commissions of surrogacy, in like manner and with the like limitations and restrictions as has been used and lawfully may be done by the Judges or Commissaries of the Prerogative Court of Canterbury, and not otherwise.

The present judge, or commissary, was appointed in May 1816, and has the satisfaction to state that the public have never been inconvenienced or delayed in consequence of his illness or absence. But his successors may not be so well able to bear the confinement to Dublin at all seasons of the year, and the nature of their illnesses may be such as not to admit of their transacting business whilst labouring under them.

This matter was under the consideration of Lord Hatherton, when Secretary for Ireland, who, it is believed, desired the then Attorney-General to prepare a clause to relax the proviso contained in the patent of second year of King Charles I.

It is submitted that the object may be effected either by Parliament or by a short patent, relaxing that proviso, if the Primate accepts it.

See the 14th Report of the Commissioners for Inquiring into Fees, &c. in Ireland; and Supplement to the 19th.

Daniel Webb Webber, Esq., called in; and further Examined.

Daniel W. Webber, Esq.

33. *Chairman.*] YOU have, since your last examination, been directed to refresh your memory from the 19th Report?—I have.

34. Does any thing occur to you in that report with regard to the office of registrar?—That is a question rather more general than I should find it easy to answer.

35. Have you turned your attention to the appointment of the deputy registrar in this court?—Yes, the Report was put into my hands, and it appeared to me, that allowing the power to the registrar to appoint a deputy would have various objections connected with it, but that it might not only be advisable, but necessary, to have power somewhere, and that that power should most safely be lodged in the Judge for an occasional appointment, perhaps sometimes *pro hâc vice.*

36. Have you read the oath that Mr. Hawkins states he took as registrar in this court?—Yes, I have read the oath; it appears to have been of recent administration; and it appeared to me very vague and inadequate, if there was any necessity for administering an oath at all; the words will speak for themselves.

37. Have you directed your attention to the fees of apprentices in these courts?—To the general regulations respecting them, as well as to the fees. I have not only directed my attention since I have seen the report, but it had been the subject of representation made to me as chairman of the board.

38. And particularly the apprentice fees?—Particularly respecting the regulations as to taking apprentices, and the fees exacted.

39. What was the result of the investigation, or of your consideration on that point; the evils of it?—It appeared to me very uncommon, and I could not devise any excusable grounds for limiting the power of taking apprentices to the registrar. It appeared to me, in analogy to the courts of law, that it would have been a more natural regulation to have limited it to the proctors, certainly extending to them or some of them. Among different objections that occurred to me upon the subject, one was, the power of extortion given to a single officer who was competent to take apprentices.

40. And do you think it had this objection, of creating a species of monopoly?—It was in itself a monopoly, and a monopoly that I thought led to injurious objectionable effects.

41. Do you happen to recollect any of these special objections?—I thought the registrar not so likely to be able to give the instructions necessary to form the practitioner, as the practitioner in whose offices the business was more immediately carried on. I conceived that the registrar ought not to be allowed to be a practitioner in the court, and that therefore he would so far be incompetent to give an opportunity of gaining the necessary knowledge for being a practitioner; that that should be limited to the proctors themselves, and perhaps to a selection of the proctors; and that the number of practising proctors also should be limited; for it occurred to me that if the mode was changed, and the power of taking apprentices was conferred on the proctors themselves instead of the registrar alone, it might

might have the effect of multiplying, inconveniently and injuriously for the public interest, the number of these adventurous practitioners.

42. Do I rightly understand you, that you would wish the proctors to take apprentices, instead of the present practice of having the registrar take apprentices?—What would occur to me, would be to have the right of taking apprentices transferred from the registrar to the proctors, and that it would be advisable to have a limited number of these proctors for taking apprentices, rather than conferring it upon the whole body, as it would prevent the number being mischievously increased,—unnecessarily at least increased; and by limiting it to persons of experience and character have the effect of a better and safer training for the young men.

43. You consider the proportion of fees taken by this officer for his own private remuneration as unreasonable?—I considered that, in analogy to what had occurred in the examination of the Board of Law Inquiry in Ireland respecting other sinecure offices in the law courts, and I think in general the remuneration to the officers there was greater than it was in some of them, less than it was in that of Remembrancer of the Court of Exchequer, where the unparalleled liberality of Lord Wellesley gave the deputy more than the principal had himself; he had 26 of the most profitable fees out of about 50 of the office.

44. You directed your attention to the clerk's fees in the registrar's office?—It is generally mentioned in the reports; in all the law offices where the clerk and the prothonotary were allowed to take fees, exaction appeared to have arisen from it, some of very enormous extortion, and to have raised the fees of clerk in some instances, to that of very great emolument, about 2,000*l.* a year, in some instances; and also to have put the business of the suitors very much in their power, from which it appeared exactions frequently had arisen.

45. You are speaking now from analogy, drawn from your examination into the other courts of law in Ireland?—Not having been present at the examination on Ecclesiastical Courts, I speak from what has appeared upon the subject arising out of the examination of similar offices in the law courts.

46. Mr. *Villiers Stuart.*] You are not acquainted with this particular law court yourself?—Not at all. I mentioned that I never practised in it, and the *vivâ voce* examination took place since I left the board; I was no further acquainted with the constitution of this court than by reading written documents respecting the court, which the board was furnished with before I left the board.

47. Will you please to state any objections that arise in your mind as to the system pursued in the deputy registrar's office?—As to the office of registrar, as practically exercised, I do conceive the greatest objection arose from his being the taxing officer of the costs and being himself a practitioner; and I must add to that, that the manner in which the duty of taxation of costs has been exercised, generally, has been the source and support of almost all the pecuniary abuses of courts of justice; that that does require regulation in this court as well as in the other courts, I cannot doubt. A change did take place as to the taxation of costs in law courts; I was the person who recommended that, and who suggested the subject and the regulations that were submitted to Government and partially adopted; and I think it is possible an examination on that subject might be more useful than on any other.

48. Who suggested the change as to taxation of costs?—It occurred to me. The recommendation which had been given, and which has been partially acted upon, arose in the courts of equity, to which it has not been applied, viz. that the taxation of costs should be taken from the masters in Chancery or prothonotaries in the courts of common law, and vested either in an individual, specially appointed for the purpose, or, what appeared to me more advisable, that it should be vested in something of a tribunal, in which, by a succession of members, uniformity of system would be preserved, rather than in a single individual officer succeeding without having had a previous intercourse with the officer to whom he had succeeded. I give a general answer, comprising this court and the other also, for it was from the others the system was first introduced, and the opinion now given was founded.

49. Was that the recommendation you made to the Government, when inquiring into these courts?—The recommendation was made in the Report on the Court of Chancery, and it was applied afterwards to the courts of common law; it was not adopted as to the Court of Chancery, where the grievance was tenfold or one-

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one-hundred-fold greater than in the courts of law, but it was adopted in the courts of law, having been found to be practically very useful; but the great abuses were in the courts of equity, which were enormous.

50. Mr. *West.*] Was it part of your recommendation that the costs of the Ecclesiastical Courts should be taxed by the board you speak of?—No, we did not go into the Ecclesiastical Courts; the recommendation was confined to those courts that we were then reporting upon, viz. the equity courts, and afterwards the law courts.

51. Is it your impression now, from what you understand of these courts, that the costs in the Ecclesiastical Courts should come within the recommendation?—They stand, in my judgment, precisely on the same reason.

52. Is it your recommendation that they should be taxed by the same tribunal?—Yes, I think the same tribunal would be perfectly competent to the taxation of these costs.

53. You know the taxing officer in the law courts; the only case in which it has been carried into effect was where both were barristers; was that part of your recommendation?—Certainly.

54. You know that those barristers were never practitioners in the Ecclesiastical Courts?—I know they were not.

55. Do you consider that a tribunal constituted in that way, never having had any experience in the practice of the Ecclesiastical Court, would be competent to decide in cases of wills, or to tax the costs?—I conceive that when persons were appointed to the office, if competent to the consideration of the subject in other offices, they would take some trouble to make themselves competent for this particular court, or it would be advisable in the constitution of such a board to have a member who had been used to practise in the Ecclesiastical Courts. At the same time, from what I recollect of practice in other courts, I am not at all of opinion that previous experience of practice as an advocate would give a man particular competency upon the subject; he would have to learn, but would come to that learning with a mind more prepared than a person who had not been a practitioner at all. The instances in the equity courts were far beyond what had been conceived. I remember where a family found itself ruined by the extent of such costs. The part of the recommendation which I conceive to be the most useful, was, that there should be an annual taxation of costs in all cases, as well as applying to particular existing costs, in order to check the enormous accumulation of costs (which did operate to the perfect ruin of families in one or two cases), as far as the progress of an equity suit would allow. By that means, persons who had involved themselves in litigation would see what proportion the progress of the expense bore to their means of supporting it. As I mentioned, there have been instances where the expenses were made far to exceed the object contended for. I conceive that that might have been prevented without any expense falling upon the Government of the country, and with a diminution of expense to the suitors, by the taxation enjoined being made annual, and subject only to the fees which by the illusory taxation were always paid; that that would make a fee fund, which would give ample remuneration to the persons to whom the duty should be exclusively confided, in exclusion of any other occupation.

56. Is it part of your plan that there should be more than one taxing officer in that tribunal?—My meaning was a tribunal rather than a single taxing officer, for this reason, that illness of the officer, or any occasional impediment to his attendance, would not impede the business; but more because if the business were lodged in a tribunal, the succession of members being occasional, would not interfere with the uniformity of the system.

57. Then it was to be a tribunal of several members, and all acting together?—Three or five acting at the same time, and communicating where there was any difficult point on which their opinions might be required.

58. That is, that each Master was to tax a separate bill of costs?—Yes; a great part, after a little time, would be mere routine; and then any particular point which had a difficulty in it might be referred to the whole; nothing can be suggested in the way of a system to correct pre-existing abuses that will not be liable to possible objections.

59. If it were a joint tribunal, would such tribunal get through the business, if it had the business of all the courts to tax?—I would make separate taxing officers, acting together, and communicating in difficulties.

60. Mr. *Villiers Stuart.*] What number of taxing officers are there now?—There are now two for the law courts; none have been established for the courts of equity, the abuses in which were what first suggested the system which I was the person who did suggest; there it has not been established, and there it is impossible the Master can discharge the duty with due attention, from the examples that came before us of the enormous bills of costs that were to be taxed; but this system, that I mentioned in my examination now, would not have the same difficulty attendant on it, inasmuch as it is part of the scheme that I suggested that the taxation of costs should be annual; then they would not amount to that immense mass, which, as I mentioned, in one instance rose to a height not less than that (about two feet).

61. Mr. *West.*] Your recommendation has not been adopted by the courts of equity?—No, it has only been adopted in the courts of law.

62. Not having been adopted with respect to the Ecclesiastical Courts, can you, with respect to these particular courts, suggest any other plan of taxation in preference to leaving it in the hands of the registrar?—I can suggest no other, except appointing to this court, as well as other courts, a particular taxing officer; I think the business of this court would not support the expense so much as the business of the law courts, but what I have recommended would embrace all, and would be infinitely a more effectual system.

63. *Chairman.*] There is also great expense arising in these courts from sending wills to the country at assizes, and attendances there?—Yes, it was a suggestion in some of our former Reports on the Law Courts, that the practice and consequent expense should be changed; and that instead of bringing down original wills, attested copies, attested perhaps by the signature of the judge, should be given in evidence, in the same way as depositions of the Court of Chancery, or pleadings in the equity courts. Original wills being of such consequence, it appeared to me better to have attested copies to be sent down on occasions, rather than commit the original wills themselves to the chance, however careful the officer, of being lost or destroyed by robbery or otherwise.

64. Mr. *West.*] You were a practitioner yourself a long time; do you think that it would be possible or useful to do this in all cases, such as in a case of ejectment, where fraud was charged, or in the case of the execution of a will, executed, for instance, by an infirm person; how would you meet that difficulty?—By making an exception under the permission of the judge, that where, on special application, the nature of the trial required the inspection of the document itself, there the document should, under special direction, be submitted to examination, as in other cases, on application of the court *in banco.*

65. *Chairman.*] Did it ever occur to you that there was great objection to the course pursued in this court of taking depositions in writing?—Yes; I have seen so much of depositions *vivâ voce* being more effectual for the investigation of truth than taking them in writing, that certainly it struck me as very singular. I remember one case of very great impression, and very great curiosity, on the circuit on which I went; a case in which I am sure, from the written depositions, the verdict would have been diametrically opposite, by an intelligent and honest jury, what it was upon the *vivâ voce* evidence; a case in which a large estate was concerned, and in which eventually the succession to a marquisate, on the death of one life, would have ensued.

66. That is only as to the effect; is there not another objection in your mind as to the expense connected with this mode of taking evidence?—The expense, I should suppose, is greatly enhanced by the voluminous briefs which the practice of written evidence must have occasioned.

67. Not only by the voluminous briefs, but is it not increased by the necessity of employing persons to take down the evidence at very great expense?—Yes, of course.

68. Mr. *West.*] If the evidence were to be taken *vivâ voce*, I presume you contemplate that it might be taken before the judge of the court in the ordinary way?—Unquestionably.

69. From your knowledge of the court, of the quantity of business, would one judge, as at present constituted, be sufficient to do the business of the court, trying causes in that way, and hearing *vivâ voce* evidence?—I am not sufficiently aware of the practice, or extent of the practice, to give a positive answer; but I conceive one judge might not be sufficient if there was much business before the court, and that in that case some expedients should be devised.

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70. That would involve a change of constitution of the entire court, supposing one judge were not sufficient to take *vivâ voce* evidence?—I think it is rather too strong a term; I will suppose, for example, an under judge, something of a deputy, for that especial purpose; the principle of administration of justice would remain the same, the constitution would certainly be changed by the adoption of the mode of taking *vivâ voce* instead of written evidence; but I contemplated *vivâ voce* evidence not being used in all cases where documentary evidence was brought forward. A great number of cases in the Ecclesiastical Courts would not involve any necessity for any *vivâ voce* examination; I am not aware of any cases before the Ecclesiastical Courts involving the necessity of a *vivâ voce* examination, except where the execution of testamentary papers came in question, or in matrimonial cases.

71. Assuming for a moment that the business of the court was more than sufficient to occupy the time of the judge, as at present constituted, what remedy could you suggest for that?—I have not considered it in a way that would justify me in obtruding an opinion; at the same time, if I were forced to give an opinion, I would do it as well as I could.

72. You have suggested a deputy; would it be possible to hear the case upon *vivâ voce* testimony by deputy, and have the discussion before the principal judge?—It would be almost the same thing as original written evidence.

73. Mr. *Villiers Stuart.*] Has the judge, in the present instance, to read the evidence always?—Unquestionably.

74. Would it not take longer to read the evidence than to hear it?—Yes.

75. Mr. *West.*] Does it not occur to you, that in case of a deputy taking the *vivâ voce* evidence, the principal judge would have to decide, not upon the evidence, either oral or written, but upon the impressions of the deputy?—My answer is, that probably the change in the practice of the court would require a supplemental judge.

76. Mr. *Villiers Stuart.*] As the judge must study the written evidence before he can decide upon the case, does it not occupy nearly as much, if not quite as much time, as if he received *vivâ voce* evidence?—I should think more. Mr. West, who is at present in great practice, might be able to give a decisive opinion upon that subject. The judge will have more trouble in reading and considering the written evidence than in being present at the *vivâ voce* examination.

77. *Chairman.*] Your objection to this course of written depositions is, that it tends to prolixity of pleading, and gives more facility for litigation?—It tends to prolixity of pleading; but the system of the court, as detailed in the evidence which I have read, and which you have before you, exhibits great prolixity of pleading, which must have the same effect in tediousness of practice, in causing voluminous briefs, and consequent expenses that written evidence also has.

Joseph Hamilton, Esq., called in; and Examined.

Joseph Hamilton, Esq.

78. *Chairman.*] DO you wish any question to be put to Mr. Webb Webber, the witness last examined by this Committee?—I am not at present prepared to say; I come here quite ignorant of the course of examination which has been pursued; but the Committee have been kind enough to inform me, that if any thing comes out on his examination that has reference to the proctors, I shall have an opportunity of answering it.

Mercurii, 3° die Maii, 1837.

MEMBERS PRESENT.

Mr. Villiers Stuart.	Mr. Lucas.
Mr. Hamilton.	Mr. Serjeant Ball.
Mr. West.	

MR. WINSTON BARRON IN THE CHAIR.

Joseph Hamilton, Esq., called in; and further Examined.

Joseph Hamilton, Esq.

3 May 1837.

79. *Chairman.*] YOU have come prepared to substantiate the allegations contained in your memorial?—The proctors conceive that the evidence already given by Mr. Hawkins and Mr. Stock and other gentlemen is sufficient to substantiate their case; we do not say that we can give any further evidence, at least

as

as at present advised on the subject, but we complain of the colouring that has been given to the whole transaction, and we also claim to be entitled to the same fees as the gentlemen of the same profession in this country; and I am also prepared to show that the formation of the Irish scale is substantially the same as the formation of the scale alluded to in this printed document, which has not been interfered with, either by the Commissioners of Judicial Inquiry or Ecclesiastical Inquiry in England, nor even by the Legislature.

80. You complain here in your memorial of the recommendation contained in the 19th Report; I wish to know from you (for that is rather a vague manner of putting it before us), what part of the 19th Report is it that you particularly allude to?—Principally the proposed scale of fees upon extraction of probates and administrations; I have it not with me; they recommend that the existing scale shall be discontinued, and that the scale proposed shall be the one used in future (*vide* page 30, entitled "Scale of Fees to be allowed to the Proctors in extracting").

81. What portion of this am I to understand that you object to?—To the whole of it.

82. At present, does it differ materially from the fees which you receive now?—It does, very materially.

83. And none of these recommendations contained in this Report, I am to understand, have been carried into effect on that point?—None on that point, as regards the proctors.

84. You state in your memorial that that is the principal source of the emoluments of the proctors?—It is so stated in the evidence and in the memorial, and is in point of fact so.

85. Am I to understand you then to say distinctly, that the proctors were heard by these Commissioners?—Certainly not; they were examined; the registrar and several of the proctors were examined, but they had no opportunity of knowing any thing at all relating to the Report until it was concluded.

86. Am I to understand that the proctors were examined and the registrar of the court by the Commissioners who made this Report previous to the Report being signed?—Certainly; several of them.

87. Am I to understand from that, that the proctors were examined on these very points, and on these very fees?—They were examined as to the scale of 1812, as compared with the former mode of charges.

88. The greatest grievance you complain of is the point we have been examining upon?—It is the greatest grievance.

89. And you say that that point has been examined into already by the Commissioners, at least, the point of fees has been examined into by the Commissioners?—It has.

90. And you state that you have no new light to throw upon the matter?—No; except as stated in my answer to question 79.

91. Mr. *Villiers Stuart.*] Would the fees be lessened if the recommendations were adopted which were made by the Commissioners?—Most materially.

92. Mr. *West.*] Do you rest your case on the evidence given by the proctors on their former examination, or is there any thing new you have to offer us?—This report has lain over for a very considerable time, and we were not at all apprized of the intention to bring it forward at this particular moment, and there has been a meeting of the profession in Ireland just as I left; I was merely despatched here to see what the course of proceeding was, and I have not yet had any communication from them; the objections which we make to the Report will be found contained very fully in the memorial.

93. *Chairman.*] It is said, your memorialists are able to demonstrate that the Irish scale of 1812 was most expressly approved by Dr. Duigenan; is that fact stated or proved in the former examination?—It is sworn to distinctly by Mr. Hawkins in two places.

94. It is also stated, "that this scale of fees, as it now obtains in both countries (with some slight modifications in adapting it to the official fees in Ireland) was first introduced at Doctors' Commons in the time of Sir William Wynne, by the sanction and allowance of that eminent judge:" is that stated in the former examination?—Not at all; that was not known to the proctors at the time.

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95. Mr. *Hamilton.*] You state that the table of fees had the sanction or allowance of the learned judge; can you point out in the Report the precise passage to which you allude?—There are several passages to that effect contained in different parts of the evidence.

96. Mr. *West.*] You have been a proctor yourself?—I have.

97. You are still practising?—I am still practising.

98. Can you tell me, from the state of the business of the court, whether a proctor is fully occupied during the whole year?—A practitioner in full business in the court is.

99. Has he enough to occupy him the whole year as fully as the solicitors in the other courts?—It depends of course on the amount of his practice.

100. Does the court furnish sufficient business to those who have the most business in it for the entire year?—With the exception of the usual vacations, which are the same as those of the other branches of the law, there are of course several of the juniors who have very little business; there are two or three offices that have a very considerable amount of business.

101. How many proctors are there in court?—I think there are 20 at present.

102. Is the number limited?—No; in compliance with the 19th Report, Dr. Radcliffe made an order doing away the monopoly of receiving apprentices which had been enjoyed by the registrar, and he has now made rules that every proctor of 10 years' standing may take an apprentice; I have a copy of those rules with me; I have written to Ireland for an attested copy of them, as I did not compare this copy myself; and I could not sufficiently vouch for its correctness, I have written to Mr. Hawkins either to bring over the original book, or to bring an attested copy with him.

103. *Chairman.*] Then it was formerly the registrar only who took apprentices, and now any proctor of 10 years' standing has the same privilege?—He has the same privilege.

104. Mr. *West.*] And may take as many as he wishes?—No, he is limited to one at a time.

105. *Chairman.*] What is the present fee paid?—I think the present fee varies from 600*l.* to 700*l.* or 800*l.*

106. How long is it since you were bound yourself as an apprentice in the court?—I was bound apprentice in the year 1804 or 1805.

107. What was the fee when you were bound?—I paid 500*l.*

108. Previous to your being bound the fee was considerably less?—It was 200*l.* only.

109. It was then raised to 500*l.*?—Yes, I was the first who paid a fee of 500*l.*

110. And during your time it was raised further?—It was raised further.

111. To what sum?—I believe the highest was 1,000*l.* or 1,000 guineas.

112. And is it now something diminished?—It is now diminished; the house that I belong to have not yet taken an apprentice.

113. Do you not believe that this very high fee of 700 or 800 guineas tends to give a species of monopoly in the court that it excludes a great number and limits the practice?—I should say it has that effect; but at the same time I should say that the business, taking it in the aggregate, is so limited that if there were greater facilities for a greater number of apprentices allowed to each member of the profession, the profession would be so overstocked it would be altogether not worth following.

114. Are you not aware that the same objection would apply to the profession of an attorney, of a barrister, a surgeon, or in fact any other profession?—As to the profession of an attorney, they have several modes of profit which the proctor has not; the attorney and solicitor have four courts to practise in; the Irish proctor has but one, he does not even practise in the Court of Admiralty as they do in this country.

115. Would it not apply to other professions and trades, such as that of a bookseller or merchant?—As a general principle, I should say it would.

116. Mr. *West.*] What is the term of apprenticeship?—The term of apprenticeship now is seven years, unless the apprentice clerk takes a degree of bachelor of arts; having obtained a degree of bachelor of arts, he is entitled to be admitted in five years.

117. When you speak of 1,000*l.* as a fee, is that in-door or out-door apprentice?—Out-door; I believe none of the gentlemen have in-door apprentices.

118. All

118. All the cases you have mentioned are out-door apprentices?—All are out-door apprentices.

119. Is there no distinction in the fee, whether taken with a bachelor of arts or not?—No, I have not found it in the least; there is no difference; I cannot speak of my own knowledge, I only speak from what I hear in the profession, our house not having taken apprentices.

120. Mr. *Hamilton.*] Is the amount of the fee determined by any fixed rule, or does it depend upon the value, or supposed value, of the education?—A great deal depends upon the office in which the apprentice is put.

121. Mr. *West.*] Is it not altogether at the discretion of the proctor who takes the apprentice?—I should say it was.

122. Much the same as in the case of an attorney?—Yes, I believe attornies have a limited fee; I am not quite sure.

123. Is not a great part of the business of your profession strictly analogous to the business of an attorney in other courts?—More to the profession of a solicitor, conducting of suits, and so on.

124. Speaking of briefing, is there any disproportion between the rate of your fees as proctor, and those of a solicitor in the sort of business that is strictly analogous to your own?—I think not with respect to briefing; the fee upon briefing is 3 *s.* 4 *d.* per sheet for the draft, and 2 *s.* for the fair copy, and I have heard that the solicitors are allowed the same; every sheet of brief must contain five office sheets of 90 words each.

125. You take equal quantities of both, and you consider that the rate of charge is the same in both?—The rate of allowance for the number of words in each sheet differs, but I am not prepared to state in what respect.

126. Is there any other part of the business of a solicitor analogous to your own, in which there is any difference in the allowance?—I am not particularly well acquainted with the allowances made to solicitors.

127. What other part of your business is similar to that of a solicitor; are you allowed a retaining fee?—We are, 6 *s.* 8 *d.*; we are allowed for attendances 6 *s.* 8 *d.*, that is the same as a solicitor; we are allowed for drafts of pleadings 1 *s.* 4 *d.* the draft, and 7 *d.* for the fair copy.

128. Can you state what the allowances are?—I cannot.

129. Is your attendance a daily attendance?—I speak of general attendances upon any matter connected with the case.

130. You do not charge more than one attendance for one day?—Not more; it is rare, unless it is matter of importance connected with the suit, that attendance is charged.

131. Is there any instance where you charge for more than one attendance in one day?—No.

132. Can you state any other business that you are allowed for in the same way as solicitors in courts of equity?—We are allowed also fees upon the different processes.

133. Do you know whether the Commissioners who framed this 19th Report have, in this particular instance that I have mentioned, reduced the old scale, and made any alterations in the proposed scale?—I think, as far as I recollect they recommend that the same charges shall be given to proctors as to solicitors.

134. It would follow from that, that if there are similar charges for similar work, there is no alteration?—I believe you will find the allowance made to solicitors in the evidence of Mr. Dunn.

135. Mr. *Villiers Stuart.*] Can you state what recommendations that are made in the Report of the Commissioners have been adopted?—They are stated in this memorial: "he has thrown open the profession, by permitting the proctors to take apprentices, instead of its being confined to the deputy registrar as formerly; he has limited the practice of pleading to two pleadings instead of three, as before; he has appointed a regular routine for the examiners in causes; and he has prohibited altogether the practice of charging solicitation fees."

136. Are the Committee to understand, that these are the only recommendations that have been adopted?—As far as I recollect.

137. The registrar is still allowed to take apprentices?—He is not.

138. Mr. *Hamilton.*] Has the diminution in the amount of fees been consequent on the permission to proctors to take apprentices?—Certainly; I should suppose it has.

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139. *Chairman.*] Has there not been a new regulation made about taxation of costs?—I think there has; there was an Act of Parliament that was overlooked, which I do not exactly recollect the date of, but it is now necessary, when a bill of costs is required to be taxed, to exhibit a petition on behalf of the party requiring the costs to be taxed; the judge then refers the bill to the registrar for taxation, and he subsequently confirms the bill after the taxation has taken place.

140. That was not the former practice?—That was the practice between party and party; the bill of costs was exhibited in court, and then referred to the registrar.

141. The deputy registrar was also a practising proctor in the court?—Never in causes.

142. But in reality he was?—I believe, from what I know myself, that if any matter in which he had been originally employed to extract probate, if the will or right to administration was contested, I have always understood he handed it over to another proctor.

143. It was merely a professional understanding, that it was his business, conducted in another person's name?—I am not aware of it, but I can answer for myself, that I have, on more than one occasion, had business handed over to me by him, and that I never participated with him, directly or indirectly, in any part of the emolument, nor even did he afterwards extract the probate.

144. Under the former regulations of the court, the deputy registrar was a proctor?—No, he served his apprenticeship, and was admitted, but never practised as proctor in the conduct of suits in the Court of Prerogative.

145. Am I to understand, that he had not professional emoluments besides, arising from his being deputy registrar, from his connexion with the courts?—Not to my knowledge, except that he extracts probates and administrations; what is called common form business. If a will was lodged with the registrar by a client of his own, and caveat was entered against probate, and it became necessary to take proceedings to remove the caveat, as far as my knowledge goes, he did not interfere, for I have known him put it to his client whether there was any other member of the profession whom he would wish to employ.

146. What part of the proper business of a proctor did the deputy registrar perform?—Nothing more than the common form, extraction of probates and administrations.

147. Mr. *Hamilton.*] Do you mean that the deputy registrar performs that which is called the voluntary jurisdiction, but not the other?—But not the other.

148. What is meant by voluntary jurisdiction?—The expediting probates of wills and letters of administration; and I should also add, the extracting marriage licenses.

149. Those are only what are properly called ministerial acts?—Yes.

150. May it be defined in this way, official business not connected with suits?—It may.

151. Am I to understand you, that in the taxation of costs that go before the deputy registrar, he has an interest in the amount of those costs?—He taxes the fees due to the registrar, of course, for they are all included in the bill.

152. Has the deputy registrar any interest himself in the amount of fees which he himself taxes?—He receives a proportion from the registrar as a remuneration for his services as deputy, as I have heard.

153. How is the deputy registrar paid?—I have always understood that he is paid by a proportion of the fees payable to the registrar.

154. How is that proportion ascertained?—I should suppose it is by a private agreement between himself and the registrar.

155. Mr. *Villiers Stuart.*] And the greater the amount of fees the higher the salary of the deputy registrar?—That might be inferred.

156. *Chairman.*] Do you think it would be beneficial to the suitors, generally speaking, to have a distinct tribunal appointed for the taxation of costs wherein the parties would be totally unconnected with the court in any other respect?—I have always conceived that the registrar would be the most competent person to tax, provided he had a salary in lieu of fees; that he is the person best acquainted with what is actually necessary to be done in the progress of a suit, both from his professional and official knowledge.

157. Do you think that another plan, which has suggested itself to me and others,

others, would be advisable, that of having one, two or three officers appointed as a species of court connected with the different courts in Ireland, to be called a taxing court, or by any other name that might be thought proper, not limiting it to two or three, but as many as might be thought necessary, having persons of experience from each court members of the tribunal?—The question has never occurred to me in that point of view; but there are at present two taxing officers in the law courts, and the masters in Chancery are the taxing officers of the Court of Chancery; and if the registrar, as recommended by the Report, was put upon a salary, I should see no objection to him as taxing officer.

158. Are you not aware that the taxation of the masters in Chancery has been found fault with in many respects?—Perhaps taxations are generally found fault with by practitioners, as being too severe.

159. Has it not been considered in many respects an objectionable tribunal, and one where they have business of a higher character and different description to perform, and that it is wrong mixing up taxing and official duties together?—I have never heard any such objection.

160. Mr. *Villiers Stuart.*] Can you state to the Committee why the recommendation of the Commissioners, that the registrar should have a salary, and no other business, has not been adopted?—That could only be done, I conceive, by the intervention of Parliament; it was not in the power of the judge to do so.

161. Are there any other recommendations of the Commissioners that the judge had power to carry into effect, and which he has not carried into effect?—I am quite sure that Dr. Radcliffe has carried every recommendation into effect as far as he conceived he had the power to do so.

162. Is the witness aware of any suggestion recommended by the Commissioners which Dr. Radcliffe had the power of carrying into effect, and which he has not carried into effect?—I am not aware of any.

163. *Chairman.*] Are you aware that the public have complained of the great expense of litigation in these courts?—I have heard that there are complaints of that nature.

164. Have you directed your attention to that which is stated by the Commissioners as to the case of Macnamara *v.* Macnamara?—I recollect that case.

165. It is there stated that the whole sum in litigation was under 3,500*l.*; that the costs incurred by the promovent, who succeeded, between Easter term 1821 and Trinity 1823, amounted to 5,770*l.* 11*s.* 6*d.*, of which between 1,600*l.* and 1,700*l.* was for the proctor's attendance only on commissions, and 391*l.* for preparing drafts; were you concerned in that case?—Not as proctor; but I was employed part of the time as an examiner in the court; as supernumerary examiner.

166. In the country, was it?—In the country.

167. What was the amount of fees charged per day for your attendance in the country?—The regular fees that have been heretofore allowed; four guineas per day, including all expenses.

168. For each examiner?—For each examiner.

169. And there are generally two?—No; there is but one usually employed. I should say that that was an extreme case, and that the proceedings in that cause were carried on in a very extraordinary manner by the gentleman concerned for the impugnant, from the very peculiar circumstances under which that gentleman then laboured.

170. You said that the only fee was four guineas per day?—That is the allowance to examiners.

171. In that particular instance?—In all cases.

172. Mr. *West.*] Is it the regular fee to the ordinary examiner?—Yes.

173. Is that what Dr. Mason gets?—That is what Dr. Mason gets, including travelling expenses and living.

174. Mr. *Lucas.*] Are you certain, that if an examiner were sent 100 miles, that would include travelling expenses?—Yes.

175. Mr. *Villiers Stuart.*] Does he not receive four guineas for each 40 Irish miles?—He does. I should say, that in practice the registrar does not allow them to calculate strictly the 40 Irish miles; the allowance, if they went to a place distant 100 miles, would be at the rate of two days.

176. And then four guineas a day during his absence?—The allowance is four guineas per day for travelling, at the rate of 40 Irish miles per day. This

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will probably illustrate it: the examiner, in going to Cork, would be allowed three days, at four guineas per day.

177. You can travel from Dublin to Cork in one day, at least in 24 hours?—Yes, by mail.

178. *Chairman.*] Would it not constantly occur that a gentleman is paid double for the same day under these circumstances; for instance, he travels to Cork in one day; he is examining there, and gets three days' payment for that; he goes back to Dublin on the fourth day; for these five days' joint business, according to what you have stated, this gentleman will not get 20 guineas, but he can charge 36?—He will be allowed three days, at four guineas a day, for going to Cork, and will be allowed the like sum for returning. He will be allowed four guineas for every day the business takes up; and the same number of days for returning.

179. That would make 36 guineas for the six days, supposing the business occupied three days in Cork?—Yes; but I should observe, that the principle on which the practitioner receives that sum is as a remuneration for his being taken away from his official duties in town.

180. The examiner is not necessarily a practitioner?—No, he is restricted from practice.

181. The examiner is not considered a professional man, he is a mere officer employed for the purpose?—He is employed for the purpose.

182. Mr. *Villiers Stuart.*] Is the proctor's allowance confined to the days of actual attendance, or would he, although he actually returned to Dublin, charge for every day whilst the commission was open?—The proctor might charge it, but the registrar would strike it off; the registrar would only allow for every day he was in actual attendance.

183. *Chairman.*] Always excepting the allowance for travelling?—Always excepting the allowance for travelling.

184. Mr. *West.*] Suppose Dr. Mason went to Cork to examine, and proposed to examine a witness, and, owing to the default of either of those parties, the witness was not in attendance and no business could be done on that particular day, would the taxing officer, that is, the deputy registrar, allow him for that or not?—He would, because it was not the fault of the examiner, but the fault of the party or proctor.

185. *Chairman.*] How many hours is it the custom of the examiners to bestow in doing their duty in these cases?—Five hours a day, from eleven till four; but the examiner never refuses an extra hour, if necessary for the convenience of the party or the witness, without any additional charge.

186. Mr. *Villiers Stuart.*] You think that is a fair allowance of time to the public?—I think that probably from ten to four, an additional hour, would be an additional advantage.

187. *Chairman.*] Have you directed your attention to the case of Gilmer *v.* Barrington, where the amount of costs, it is stated, incurred between Michaelmas term 1821 and Easter term 1824, including probate, was 1,422*l.* 17*s.* 6*d.*, 125*l.* 1*s.* 7½*d.* having been taken off under taxation, and assets sworn under 7,500*l.*?—I was not the proctor concerned in that cause; Mr. Stock was the proctor in that case.

188. Mr. *Lucas.*] How are these examiners remunerated; are they remunerated solely by these fees upon expeditions from Dublin, or are they remunerated habitually by any other method of livelihood?—No, they are prohibited by the rule of the court from practising at the bar, either at the common law courts or Ecclesiastical Courts; they are doctors of law, they are advocates; Dr. Moore has not any other occupation; Dr. Mason has another occupation, as librarian to the King's Inns.

189. Will you be kind enough to state what other occupation they can, and do any of them carry on, independent of the duty of examiner?—I am not aware that Dr. Moore carries on any other occupation; Dr. Mason is librarian to the King's Inns, but what salary he derives from that, I am not at all aware.

190. The question has reference to the class, not to individual gentlemen?—There are but two, those two I have mentioned; one of them may have some private property; I rather think he has no other occupation.

191. What other occupation can they have that would give them a livelihood?—I should think not any.

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192. Mr. Serjeant *Ball.*] You mentioned that Dr. Mason is librarian to the King's Inns; is it not his duty to be in attendance there during a great part of the year?—I cannot tell what his duties are.

193. Do you suppose that he has no duty, or is the librarian only a nominal office?—Of course he has certain duties to perform.

194. Have you any doubt that Dr. Mason, as librarian of the King's Inns, must be obliged to give his attendance at the library at certain times?—He must at certain portions of time, I presume.

195. You have no idea of what portions?—No, I have not; this I should say with respect to Dr. Mason, I have had frequent intercourse with him in the course of my professional practice, and he is at all times ready to examine witnesses when called upon. It has not happened that they have a witness to examine every day.

196. As far as your experience goes, you do not find that his duties of librarian are incompatible with his doing his duties as examiner?—I should say not.

197. Mr. *West.*] Have these examiners any other payment than for the days they are actually engaged upon these commissions or on examinations?—None.

198. They have no salary?—No salary.

199. No other emoluments?—They usually receive fees.

200. Are the fees received for the time they are actually engaged as examiners?—For the time they are actually engaged as examiners.

201. There may be many days in the year on which they receive nothing?—Perhaps a very considerable portion of the year they are unemployed.

202. Can you give us an idea about what portion of the year they are actually engaged?—During term time.

203. Are they generally engaged during the whole of each term?—Not during the whole of the term; there are many days when they have nothing to do.

204. Mr. Serjeant *Ball.*] Do you take the business of the court to be stationary, retrograde or advancing?—I should say that the business has retrograded.

205. Can you account for that?—I cannot.

206. *Chairman.*] You do not think the expenses of the court have any thing to do with the diminution of the business?—Perhaps they may.

207. Are you aware that the expenses of the law courts and equity courts have been considerably diminished of late years?—I understand they have been, by Acts of Parliament and by regulations of the judges.

208. Have the expenses of the Ecclesiastical Courts in Ireland diminished in a corresponding degree?—The expense of a suit now, I conceive, since Dr. Radcliffe made an order limiting the number of pleadings, has been very considerably decreased.

209. So that the expenses of a suit, you conceive, are considerably diminished?—I conceive they are; he has limited the number of pleadings to two instead of three, as formerly; formerly the party might have a commission upon each of the pleadings, which of course increased the expense.

210. Mr. Serjeant *Ball.*] These rules were made after the Commissioners' Report?—They were.

211. He had it in contemplation to make these rules before the Commissioners made their report?—I was not aware of that.

212. Do you practise in the Consistorial Court also?—Yes.

213. Did these rules extend to the Consistorial Court, or were they confined to the Prerogative Court?—They extended to the Consistorial Court.

214. I believe you are sufficiently aware of the constitution of this court to know that the judge could not, of his own authority, make any change in the fees that were established before he became judge?—I conceive it is so.

215. And accordingly the rules made by Dr. Radcliffe did not make any alteration in the old established fees?—Not with respect to the fees of officers that might be considered as vested rights.

216. So that these rules, as far as they made any alteration in fees, or diminished the amount of fees, were confined to fees which had been established since he came into office, at least, they did not embrace any fees that had been in existence at the time he came in?—No.

217. He having no authority to make any such alterations?—No.

218. Have you any reason to suppose that if Dr. Radcliffe had had authority to alter or diminish the amount of fees established before his time, he would have done so?—I am quite sure he would.

 219. Have

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219. Have you reason to know that it was Dr. Radcliffe's intention, if he had had the power to do so, to have brought the fees in the Ecclesiastical Courts to the level of the fees of Doctors' Commons?—I think I have heard him express himself to that effect.

220. Have you read the 19th Report?—I have.

221. Are you aware that by that Report the Commissioners recommended that the engrossment of depositions should be taken from the registrars and given to the examiner?—Copies of depositions.

222. Is it the duty or office of the registrar to ingross depositions?—It is the duty of the examiner to ingross the depositions; he takes them down in writing.

223. *Chairman.*] In the actual arrangement between registrar and deputy registrar, does he claim a portion of these fees as his own private emolument?—I have always understood the case to be, that there was a private agreement between him and the principal; that he received so much a year for performing the duties out of the aggregate amount of fees.

224. Are you aware that the deputy registrar claims fees peculiar to himself, in the shape of a gratuity of 2*s.* upon each probate of administration, which the proctors agreed to give out of their own pockets to Mr. Upton, the predecessor of Mr. Hawkins, in consideration of his advancing the stamp duties on their instruments, and having them ready in his office?—I am not quite sure whether he now receives it or not; when the Report was printed he did.

225. You are not aware of any change?—I am rather inclined to think that he does not receive it now.

226. But the fee is paid?—I rather think not; I know that the other fee, that of 4*s.*, he does not receive.

227. Do you know whether the particular fees claimed, as it is said in the Report, by the under registrar, or deputy registrar, was claimed by the deputy registrar from the suitors in addition to the customary fees paid by the suitors to the registrar himself?—I rather think it was received from the proctors; it was an understanding between the deputy registrar and the proctors.

228. But not an additional fee chargeable to the suitor?—I declare I cannot say whether the proctor charged it to the suitor or not; for several years past, in the firm that I have belonged to, I have not attended to that department of business.

229. Mr. Serjeant *Ball.*] Are you aware the registrar had been always entitled to a fee for the ingrossment of depositions?—Not for the ingrossment, but for the attested copy of depositions; the examiner takes the examination in writing; when the technical rule for publication passes in the cause, then the depositions are handed in by the examiner to the registrar; if the party then demands a copy of the depositions, it is furnished by the registrar, and not by the examiner.

230. Then I presume that what the Commissioners recommended was, that a copy of the depositions should be taken from the examiner and not from the registrar?—That is the case in England; I think they have done so, but I have not read that part of the Report lately.

231. Is it in your knowledge that the judge has not the power to adopt that regulation?—I apprehend he has not; it would be taking from the registrar a customary fee that he has a vested right in.

232. What would you say to the adoption of the regulation; would you approve of that?—It would make very little difference to the proctor whether he gets the copy from the examiner or the registrar.

233. But as a mode of remunerating the examiners, would you consider that an advantageous mode of remuneration, in addition to the fees they have at present?—I conceive they are sufficiently remunerated by the fees they receive at present, if those fees are continued; if the fees recommended by the Commissioners are adopted, I think their remuneration would not be sufficient.

234. If they were adopted, would you consider it right that this fee should be taken from the registrar, and given to the examiner?—Certainly.

235. Mr. *Villiers Stuart.*] You stated just now that there are but two examiners, and that they take the business alternately, do you think that is a convenient practice?—It is stated in the Report, that they do not take it alternately; before the Report was made, it was at the option of the proctor to employ which examiner he pleased; one of the rules made by Dr. Radcliffe, is a regular routine in causes, they take each case alternately.

236. Mr. Serjeant *Ball.*] Is it the duty of the examiner to leave Dublin when called upon to go into the country, or to go abroad?—It is his duty; I believe that Dr. Mason has declined to attend upon the commission.

237. Does he never leave Dublin?—He does.

238. How is it he has declined?—Perhaps in consequence of ill health.

239. Are you aware that he has ever declined in consequence of his other duties as a librarian interfering?—I have known him to decline, but I do not recollect his having assigned any reason.

240. Do you conceive that, consistently with his duty as librarian, he can leave Dublin, or go into the country to examine, or go abroad?—I should say not.

241. Do you know whether he holds any other office besides the two you have mentioned?—I am not aware that he does.

242. Mr. *Lucas.*] Have you ever known an instance where an examiner has declined going into the country to examine in consequence of other duties?—No.

243. Have you ever known any inconvenience sustained by the public in consequence of an examiner declining to go?—No.

244. But you have known of the examiner, Dr. Mason, declining to go?—I have.

245. More than once?—I have heard it more than once.

246. Frequently?—I cannot say frequently; I have heard it more than once.

247. You did not hear that he assigned it as a reason for his declining to go, that he had other duties to perform?—The particular duties, I did not hear assigned.

248. But he said he had other duties to perform?—I have heard so.

249. *Chairman.*] I wish to direct your attention to the clerks' fees connected with this court, the Prerogative Court; did it ever come to your knowledge that the fees of the clerks were raised at any particular time?—I cannot speak with any certainty as to the clerks' fees; I never myself investigated the matter particularly; I always paid whatever clerks' fee was demanded, conceiving it to be the accustomed fee due.

250. There is a very important part of the Report of the Committee in page 16, which states, "that clerks' fees have been repeatedly condemned by this board, as having a necessary tendency to exaction, and in the present case we conceive the mischief has been strongly illustrated by the conduct of the deputy registrar, who has, of his own authority, from time to time, raised the fees of the clerks, and diminished their salaries, thus augmenting his own emoluments at the expense of the public?"—I understand that Mr. Hawkins would be able satisfactorily to rebut that part of the Report.

251. Mr. *Lucas.*] Can you give any information on the subject of diminishing the salaries and raising the fees of the clerks?—No, I cannot.

252. Mr. Serjeant *Ball.*] Can you state what may be the average income of the examiners arising from their fees?—I cannot.

253. Can you form any conjecture one way or the other?—It would be quite impossible for me to form any conjecture.

254. Could you say within 500 *l.* a year of it; is it 1,000 *l.*?—No, I should say not; perhaps not 500 *l.*

255. Do you think it is under 500 *l.*?—From 500 *l.* to 600 *l.* I should say.

256. What would you say was the income of the principal registrar?—I should say 2,500 *l.* or 3,000 *l.* a year; I cannot speak of my own knowledge.

257. What would you say as to the deputy registrar?—I do not know; that is an arrangement between him and his principal.

258. Do you know what is Dr. Mason's income as librarian of the King's Inns?—I have heard it is 300 *l.* a year; I believe he has apartments.

259. Of course you cannot have a doubt that the benchers would not pay Dr. Mason 300 *l.* a year if he had not some adequate duties to perform?—I should think not.

260. *Chairman.*] The judge, it would appear, laid down a scale of fees for proctors to charge in the court, and this Report states distinctly that there was an order of the court by which the fees were to be regulated, but that upon examination the scale is not in conformity with the rule?—The objection made by the Report is, that it contains an item which is not in the scale, which was obtained by Mr. Stock, the proctor, from Doctors' Commons; another objection is, that it is in Irish currency.

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261. The judge laid down the scale in Irish currency, and you charge it in British currency?—No, the charges are made in Irish currency reduced to British currency, that is one part of the Report that we complain of; we contend that the registrar in framing the Report made it applicable to the Irish currency, and to the official fees payable in Ireland, taking the English scale as received from Doctors' Commons as a model; but it turns out, in point of fact, that the scale which was received from the Proctors' Office at Doctors' Commons was not the scale that was actually used, it was only given as a model, and I should say that Mr. Hawkins took it merely as a model for the Irish scale, and the Commissioners altogether suppress the fact of the circumstances under which the scale was adopted. In the year 1807 there was a very considerable increase of stamp duties; in Ireland previous to that year the highest stamp duty on probates and administrations was 10*l.*; the duties varied from 10*s.* to 10*l.*; they then adopted a scale very highly increased indeed, and it was in conformity with the practice in England that the proctors conceived they were entitled, as a consideration for being obliged to have a larger capital, and to advance money on stamps, to have a larger remuneration, but the Irish scale is still considerably less than the English scale; that is the poundage fee on the stamp duty which is the mode of remuneration referred to by the Commissioners is less; the stamp duties in England are considerably higher than the stamp duties in Ireland, and therefore the Irish public do not pay so much for the same description of business as the English.

262. Mr. *Lucas.*] That is to say, when the scale of stamp duties was raised in Ireland, in 1807, the proctors, who necessarily advanced the amount of stamps, thought themselves justly entitled to a larger remuneration than before the stamps were increased?—Yes, that is what I should wish to suggest.

263. *Chairman.*] There were other and more material deviations from the order, as the charges on commissions, and that for ingrossing, collating and entering the will contained in the printed scale, are not to be found in that from which it is said the charges are taken?—That was merely to have, at one view, the whole of the matters that were subject to charge. I was no party to the formation of the scale in 1812; I was only just admitted, and was not then attending to the profession; but I conceive that the alterations made, and here referred to, were made merely to bring the intended new scale as close to the English scale as the official fees and other circumstances connected with the Irish court would permit; and we conceive it rather unfair that the Commissioners should suppose, that by introducing the item "ingrossing, collating and entering," it should be represented that the scale is so formed as to make it appear that what is contained there is the gross amount of each charge, when it appears on the face of the scale there is a blank left for a charge which must be variable.

264. Mr. *Lucas.*] Did the proctors, in point of fact, depart from the judge's orders in regard to the scale of fees or not?—They adopted the scale adapted by the registrar to Irish fees and to Irish currency.

265. It was the registrar who changed the scale?—It was the registrar who arranged the scale.

266. And he differed in that arrangement from the form laid down by the judge in the order of the court?—I conceive that the judge intended that the scale, as adapted to the Irish courts, was the one contemplated by the order.

267. Mr. *Villiers Stuart.*] Did he make any other alteration in the scale than turning English into Irish money?—The fees payable in Doctors' Commons and the Prerogative Court in Dublin were different.

268. Mr. *Lucas.*] Was the scale of fees laid down by the registrar higher or lower than the English scale of fees for the same duty?—I am not sufficiently acquainted with the English scale of official fees to be able to compare them both.

269. *Chairman.*] The Commissioners state again, in addition to the change of currency and the charges oncommissions, for "ingrossing, collating and entering the will," that "the printed scale" contains "in the charges sanctioned by it, some of the gratuities already mentioned as being paid to the deputy registrar, namely, 2*s.* on each probate and administration, and 1*s.* and 2*s.* 8½*d.* on each commission;" whereas, in reality, they were not acknowledged as, properly speaking, fees of the court; but by the scale the registrar laid down he has deviated from the judge's order, by making these regular charges, and payable by the public?—That is a question I cannot take upon myself to answer, for I never inquired into the fee; I took the scale as I found it.

270. The

270. The fourth deviation is, that "clerks' fees" are also introduced into it, and appear to be imposed by its authority, although it is not alleged by Mr. Hawkins that the nature, the particulars, or the amount of the gratuities or clerks' fees were ever submitted to the consideration of the judge, or his attention directed to them; you are not cognizant of that point?—I am not.

271. The fifth point is, that the sum thereby presented as the entire charge, is deficient by the amount of fee for "ingrossing, collating and entering," which is not included in it?—It is not included for the reason I have mentioned; the charge must vary in every case, according to the length of the will.

272. Therefore it in a great measure deceives the public, because there is a scale laid down by the judge, by which all matters connected with these charges are given in full, apparently; whereas, when you come to the bill of costs in each case, you find it differs materially from the scale?—I should say not; for when the proctor is asked what the amount of fees is, he very frequently refers to this scale, with an intimation that it is exclusive of the ingrossment of the will.

273. The Commissioners state distinctly that it deceives the public?—That is their conclusion; we conceive it to be an unfair conclusion.

274. Mr. *Lucas.*] When the Commissioners seem to make a charge against the registrar with regard to drawing up the scale of fees, in what way do you think the imputation by the Commissioners is an unjust one?—They throw a slur upon the formation of the scale altogether; and they say that it is doubtful whether it was at all ever submitted to the judge, although Mr. Hawkins swears distinctly in his evidence that it was, and had his sanction.

275. How does it happen that the public may be deceived on looking at the scale of fees?—I do not conceive that any person having occasion to apply for a probate could be deceived by it; because if he referred to the scale, he would, as I have already pointed out, find that there is a blank left for the particular item, and he would naturally be led to inquire how that was to be filled up; and it is the practice in our office to tell a person that that is the charge of probate, exclusive of fees upon the ingrossment.

276. And the items omitted in drawing up a total of the fees are omitted, because they depend on the extent of proceedings in each particular case?—On the length of the will in each particular case.

277. Mr. *Hamilton.*] The charge is variable?—The charge is variable; in some cases the wills are very long, in others very short.

278. *Chairman.*] In page 26, it is said, "that the progressive principle in the amount of the duty is followed by a progressive principle of charge on your part also; that where the assets are under 50,000 *l.*, your fee would be 20*l.* 6*s.* 2*d.*, but where they were under 500,000 *l.* your fee would be 144*l.* 12*s.* 2*d.* for doing precisely the same act?—The services performed would certainly be the same; there might be some particular circumstances in each case that might make some alteration, but there would be no additional charge.

279. But supposing the two wills to be precisely of the same nature, precisely of the same size, precisely of the same number of words, and if under one will a man takes 50,000 *l.*, and under another will takes something under 500,000 *l.*, your charge in the first instance would be 20 *l.* 6 *s.* 2 *d.*, and in the second case would be 144 *l.* 12 *s.* 2 *d.* for precisely the same duty?—The latter is a case that has never occurred in Ireland; the personal property in Ireland is very limited in most cases, it seldom occurs that there is property administered exceeding 100,000 *l.*

280. That does not vary the principle in the two cases I have stated; you can charge 20 *l.* 6 *s.* 2 *d.* in the first case, and 144 *l.* 12 *s.* 2 *d.* in the latter case?—It would be the case.

281. Mr. *Hamilton.*] In the case of a larger sum, is there in the proctor any greater degree of responsibility than in a smaller sum?—There is a considerable degree of responsibility attendant on every case.

282. Does the money go through his hands?—In numerous cases the proctor advances the stamp.

283. Do you mean to say that the principal sum goes through his hands?—No, the probate duty.

284. Can you state any reason why the labour and duty, being the same in reference to a large and small sum of money, the charge with regard to a large sum of money should be greater than with regard to a small?—I think it is unfairly stated in the Report that the advance of money seldom takes place; I

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know that in the office to which I belong it does take place very frequently, and to a very considerable amount, and that was the principle upon which the poundage fee was established, both in Doctors' Commons and in Ireland.

285. *Chairman.*] Is it not true, that in general where an advance of this kind is made by the proctors, it is paid very soon indeed ?—Sometimes it is not.

286. It is not like an attorney's bill of costs ?—Generally speaking, perhaps it is not, but it very frequently occurs that these sums remain a long time unpaid; in the office to which I belong it is the daily habit to advance sums of perhaps 90*l.*, 100*l.* or 500*l.* stamp duty; of course these very large sums are not advanced without a certainty of repayment; it very frequently happens that there is money in the funds, and that the parties cannot come at the money to pay the probate duty without probate issues; frequently we are obliged to take bills, perhaps at three months and perhaps longer, and the principle I conceive on which the fee was established was a remuneration for this advance, and it is so stated in a letter from the registrar of the court at Doctors' Commons in a return to the House of Commons.

287. Can you state to the Committee on an average whether proctors are three months out of these large advances that they make for wills, proving wills, or getting probates in this court ?—I cannot speak of my own knowledge of any office but the one I belong to; we have frequently perhaps to advance 60*l.*, 75*l.* and 90*l.*, and I should say upwards.

288. Is it not the habit, where large sums are obliged to be advanced for probate duty, to get those sums from the client or attorney in the cause ?—It very frequently happens; it also frequently happens that the stamp duty only is paid, and the proctor may remain a long time indeed out of pocket the remainder of the costs.

289. Not for the actual sum advanced ?—Not for the actual sum advanced, but for official fees.

290. The Commissioners dwell on this charge, and state that it is a great grievance ?—I should say, that though the gross amount of charge for probate presents a considerable sum, yet when stamp duties and official fees are deducted from it, the proctor's charges would be found to be a very small part of the whole.

291. In page 28 of the Report, it says, "this fee is altogether for the proctor's benefit, and appears to us as more than commensurate to the service performed"? —I should say, with respect to that, that the service is very often attended with very considerable trouble; the proctor has to make calculations of stock and other property in the funds and other public securities, and he has also to make calculations as to the value of leasehold interests, and these are in some cases attended with considerable trouble.

292. Will you explain to the Committee what is the reason for the variation in page 29, between the scale laid down and the charge made ?—I conceive that the scale contemplates only original grants of probates of administration, and not grants of administration *de bonis non* to which those observations refer.

293. Is there no scale then *de bonis non* ?—The official fees are the same in administrations *de bonis non* as in original grants; the only difference I take to be is, that the will, in case of an administration *de bonis non*, is ingrossed in the office, and not by the proctor,

294. Is this a reason for deviating from the rule of court specifically laid down ?—I have already stated that I conceive the original scale only contemplated original grants, not second grants.

295. Why ?—I cannot account for that, except that the English scale applies to original grants only.

296. There is one scale published by the authority of the court, there is another scale, and a higher scale in fact, followed by the proctors of the court ? —It appears to me that the only deviation is the extracting fee, 1*l.* 6*s.* 8*d.*; then the proctor has to attend in the office of the registrar; he is obliged to search for the original grant, and to ascertain who is entitled to the unadministered grant; he has to read the will over again, it may be that he had not been employed to extract the original grant, and he has then to prepare a fiat to go through all the proceedings as he would upon an original grant, with the addition of the attendance in the office.

297. Am I to understand from the witness that by a construction of the proctors the scale laid down was not applicable to this case, and that they made a scale

a scale of their own not sanctioned by the judge?—I have already stated that my impression was that the scale only extended to original grants.

298. And that there is no rule for the scale, you mean, except that which the registrar has himself adopted?—The only difference is the alteration in the extraction fee, and I conceive I have accounted for that deviation.

299. I wish to direct the attention of the witness to the alteration without the sanction of the judge of the court?—It appears it is so.

300. Mr. *Hamilton.*] Does it appear that these duties are extra, and besides those which are contemplated in the scale?—These would not occur in the case of an original grant.

301. Has the extra fee of 1*l.* 6*s.* 8*d.* been at any time brought within the consideration of the judge?—I am not aware that it has; I have no doubt he has frequently taxed costs containing the charge.

302. *Chairman.*] What is your specific objection to the scale of fees to be allowed to the proctors on extracting; the Committee wish to understand on what principle and in what particulars you object to them?—They conceive that they do not afford sufficient remuneration for the altered state of circumstances induced by the great increase of the stamp duties.

303. In point of fact, the stamp duties are paid to the proctors in a short time after they had paid them out of their pocket, and they are very often paid beforehand?—It certainly is the case, there are some proctors who cannot afford to advance, others perhaps can.

304. In page 41, it is stated that the allowance to proctors for briefs forms a heavy item in a bill of costs; I wish to know whether this portion of the costs ought not, in justice to the public, under the new arrangement, to be diminished, whether the parties would not be sufficiently remunerated for duties performed without this charge for duties not performed?—It is in all cases the duty of the proctor to read over the depositions, and to make his observations upon them; but if you ask me whether, in point of fact, the draft of a brief is made, it certainly is not; but I conceive that the Commissioners make a mistake as to the charge of 2*d.* per office sheet, that is an allowance in the Court of Prerogative, as between party and party; the allowance between proctor and client is 3*s.* 4*d.* for the draft, and 2*s.* for the fair copy.

305. Mr. *Hamilton.*] How would that make a comparison with proceedings in the Court of Chancery?—I am not able to speak as to proceedings in the Court of Chancery; the allowance between party and party would be the same.

306. *Chairman.*] Do you not think it would tend to the benefit of the public if there were a table of fees in all cases conspicuously hung up in some public office, registry or otherwise, connected with this court?—Certainly.

307. Do you consider it would be beneficial that a rule should be established by the court that all other fees charged should be made the subject of complaint and penalty?—I should think that if there was a regular defined table of fees, no honest practitioner ought to go out of it.

308. And if there should be a table of fees separate for the registrar also, do you not consider it would be a very great advantage?—I think it would be desirable.

309. In all cases?—In all cases.

310. Do you not consider that the registrar would be paid more to the advantage of the public by a fixed salary than by a table of fees?—I have never turned my attention to the advantages or disadvantages of either system.

311. Do you consider that fees tend to increase or diminish the expense to the public, where public officers are paid by those fees?—I think that, unless there were some such control as you have just now mentioned, a regular scale of fees, it would have that tendency.

312. Supposing fees to be established by a regular scale, and that an officer of the court might, by some possibility, have an interest in increasing those fees, or, at least, in increasing the recurrence to payment, and thereby increasing his emoluments, do you consider that where he had no such inducement, and was paid by a fixed salary, the public would or would not be benefited by the fixed salary?—I should rather think they would; but then, on the other hand, if an officer had a fixed salary, it might have the effect of rendering him not so attentive to the duties of his office.

313. Supposing the officer to be removable at the pleasure of the court, would it not obviate that objection?—Certainly.

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314. Mr. *Hamilton.*] Have you ever heard whether the substitution of a fixed salary for fees has or has not been the practice as to the masters in Chancery; —has or has not had the effect of making them more attentive to their business?—I have heard great complaints of the system in Chancery, of the masters' offices, since the alteration; but that, perhaps, is inherent in the system. I am not conversant with them.

315. They are not removable at pleasure?—I believe they are not. From every thing I have heard, the masters are constant attendants in their office; but, from the nature of the case, they are only able to give a limited time to each cause; I believe one hour is the usual time. I speak with great diffidence about any thing connected with Chancery.

316. *Chairman.*] You are aware that in the other law courts the fees to officers have, generally speaking, been taken away from those officers, and fixed salaries given to them?—I understand they have to the officers in the Court of Chancery.

317. Are you not aware that, generally speaking, this has had a beneficial effect for the public?—I cannot speak of my own knowledge.

Jovis, 4° die Maii, 1837.

MEMBERS PRESENT.

Mr. Hamilton.	Mr. Charles Young.
Mr. Villiers Stuart.	Mr. Lucas.

MR. WINSTON BARRON IN THE CHAIR.

Joseph Hamilton, Esq., called in; and further Examined.

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318. *Chairman.*] HAVE you any thing to add to your former answer relative to the alterations of Dr. Radcliffe?—I wish to make an addition to the former answer, with reference to the alterations of Dr. Radcliffe, viz. that he has ordered that, in compliance with the recommendation of the Commissioners, that the fee of 10*s.* 6*d.* charged for several years past under the name of court-keeper and crier's fee, in decrees, without written sentence, in interest causes, and which was applied to pay the expense of the court and officers, shall be no longer received, or charged against a party or his proctor. I should also state, that he is particularly vigilant in preventing the accumulation of unnecessary rules.

319. Will you inform me whether the regulation No. 5, page 44, as recommended by the Commissioners, has been adopted in this court by the judge; it is as regards the registrar exhibiting to the judge a day-book of the business of the years, and the fees received thereon for the preceding year, and the verifying it on oath?—I am not aware that the regulation has been adopted with respect to the judge, as exhibiting the day-book to the judge; but I am aware that he is obliged to verify his accounts, quarterly, to the board of accounts in this country, and that he receives the amount of fees as for the judge which are now applied to the public service, and he is obliged to account quarterly for those fees, and to remit them to the credit of the Treasury in this country; I cannot mention the precise details; but I know that the case is so.

320. You cannot speak positively as to this regulation, which I rather think extends further than that, having been carried into effect?—Not as relates to the judge.

321. Has regulation 6 been carried into effect, that the office sheet shall contain 90 words, and that in no copy shall more than one fraction of a sheet be charged for as an entire sheet?—That has been always the rule.

322. Is regulation No. 7 carried into effect?—The copy, as I understand, is marked as directed by that, but there is no regulation as to any penalty and overcharge; I know of no instance of an overcharge.

323. Is there any fee demanded for any copy issued from this office unless the charge be distinctly indorsed thereon?—None but what is indorsed, except by the proctor; if he is employed to extract a copy of the will, he charges perhaps 3*s.* 4*d.* extraction fee, for his trouble in searching for the will, or 6*s.* 8*d.*, as the case may be.

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324. Does not that come, properly speaking, under the head of this regulation?—I apprehend that the case of overcharge referred to here means an overcharge by the registrar's office.

325. Is it usual for the registrar to mark the number of office sheets contained in every copy?—It is, for him or his clerk.

326. And sign his initials?—And sign his initials.

327. Regulation No. 8, is that carried into effect?—That recommendation, I should state, is not carried into effect in its fullest extent; the party is not bound to take out any copy of his own pleadings or affidavits on filing, as is the case in the Court of Chancery, where parties are bound to take a copy of their own affidavits, I understand; but when publication passes in a cause, the old practice still prevails of taking out the copy of the whole pleadings together; the proctor is charged with a copy of the adverse proctor's pleadings when exhibited.

328. But, by taking out a copy of the whole of the pleadings, including his own pleadings, affidavits or proceedings, of course the expense of the client is increased?—Unquestionably.

329. Is a party required, in extracting a will, codicil or testamentary paper deposited in this office, to take a copy of the entire of the paper?—There is always a complete copy of the will annexed to the instrument of probate, but that comes under the head of proctor's charge.

330. Is he required, when wanting a particular portion of the papers I have mentioned, to take out a copy of the whole document?—Any person requiring a copy of the will is required to take out a copy of the whole.

331. You are aware that some wills run to an immense length?—Yes.

332. And taking out a copy would, in many instances, be a very great and heavy expense?—There is no doubt of it.

333. The same being charged at so many words?—So many words in each sheet.

334. I have known an instance myself, relating to my own family, where a will was of immense length, and frequent applications have been made for portions of the said will, on the ground that the taking out a copy in this office was so very expensive; I want to know whether it occurs to you, that there is any reasonable objection to parties being allowed to extract a portion of a will?—I should say not, but the usage of the office has been the contrary, and the registrar has not, I believe, felt himself authorized to change it.

335. The copying of a will of 20 skins, that will sometimes happen?—It will, but it is not computed by the skin, it is by the office sheet.

336. How much would be 100 sheets?—I think the charge is at the rate of 9*d.* per sheet for the registrar's fees, and I think there is an additional charge of 1*d.* for the clerk's fees, making it in the whole at the rate of 10*d.* per sheet.

337. And has the proctor any fee on that?—If he is employed to extract a will, he charges a moderate extraction fee merely for his trouble in attending the office to search for the will, and to order the copy.

338. In the case I have mentioned of 100 sheets, what would be, as near as you can form a calculation, the expense altogether?—About 4*l.* 10*s.*

339. Then in case a person only wanted, we will say, three sheets to be copied in the will, if I understand you rightly, it could be done somewhat under 10*s.*, the proctor's fee included, provided it were allowed to copy a portion of this same will?—It would be done, I should suppose, at the same rate per sheet.

340. And under the present circumstances, the party would be obliged to pay 4*l.*?—Or about that.

341. Look at regulation 10, page 44, and say if that regulation has been carried into effect?—I am aware that that regulation has not been adopted, and I conceive that that regulation, as far as it recommends that the registrar shall ingross all copies to be annexed to probates of first grants would be a great inconvenience to the public, from the great number of them that would necessarily be required to be done in the office; at present the duty is distributed amongst the several proctors' officers, and I do not think that the fee recommended would be a sufficient remuneration for the number of clerks that the registrar would be necessarily obliged to keep in order to expedite the public service.

342. He is allowed, under this regulation, 6*s.* for every skin; would not that be sufficient remuneration for the employment of additional clerks in his office?—I take it that this regulation means, that if the proctor chooses to do it, or the party wishes it to be done by the proctor, that the registrar shall allow the proctor 6*s.*

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6*s.*, I conceive that that regulation would bear hard ; parchment is a very expensive matter, it is at the rate of 5*l.* per roll, which is about 60 skins, and the proctor pays a scrivener for ingrossing a will at the rate of, I think it is, 2*s.* 8½*d.* at the lowest for every 720 words, that is a skin ; the scriveners charge an office skin at the rate of 10 sheets of 72 words each, so that the proctor would have to pay in fact more than the 2*s.* 8*d.* for the ingrossment of each skin as calculated by the officer.

343. Your objection to this regulation would be, that it would bear too severely on the profits of the proctors in the courts?—I think it would; and I think it would also be a very great impediment to the despatch of business.

344. Do you conceive it would be an impediment, provided there were a sufficient number of writing clerks for the purpose, as the regulation recommends?—I have already stated that I do not conceive the sum allowed would be a sufficient remuneration for the clerks.

345. Provided there were a sufficient remuneration, would you not consider it a wholesome regulation in other respects?—I conceive not; I conceive the present practice is much preferable.

346. I understand, that under these regulations the object would be to have a public officer made responsible to the public for the accuracy of the document that issued out of his office, that is the meaning of this?—I am aware that it is.

347. At present, I take it, the Commissioners thought there was not sufficient control, which was the reason of their recommending this ; does not that strike you as being the object of the regulation?—That seems to me to be the object of the regulation ; but as far as my office is concerned, no ingrossment leaves the office to have probate attached to it, that is not compared ; and I believe it is pretty generally the practice in the other offices ; I cannot speak with certainty.

348. Generally speaking, do you not consider that the control of a public officer would be more wholesome than that of leaving it to the clerks in a private office?—I conceive it would be better to make the proctor responsible for the accuracy of the copy. If this recommendation be adopted, in addition to the time occupied in ingrossing, which is a tedious process, the officer would have the comparison of the will with the ingrossment to make.

349. Recollect that, by this regulation, it is proposed that there should be two parties, distinct parties, controlling the accuracy of the document, the proctor and the registrar ; in the way that you at present, if I am right, conduct the business, it is solely on the responsibility of the proctor himself?—Yes.

350. Do you not consider that the public would be safer in having, in addition to the proctor, the control of the registrar, to certify the accuracy of such document?—Of course there would be the greater certainty.

351. Is it usual to have the costs indorsed on the grant of probate of administration, as proposed under regulation No. 11?—It is not indorsed in the probate, but the costs are invariably furnished with probate.

352. But the costs are not indorsed and signed by the proctor and registrar as here proposed?—No, not as proposed.

353. Are the fees taken for rules discontinued, except in cases of orders actually pronounced by the judge or entered on the rule book?—No fee can be charged for a rule unless it is entered.

354. And does the registrar, are you aware, receive more than one fee from the party obtaining such order previous to taking down or entering the same on the rule book?—I think he receives a fee from each party, but I am not positive.

355. Look at regulation 13, page 35, has that regulation been carried into effect?—No, Sir.

356. Does the registrar or any person employed in his office, in any manner, directly or indirectly, practise as a proctor or practitioner in this court?—No, except so far as the registrar extracts probates and administrations, and I am not aware that he does, directly or indirectly ; I rather think he does not derive any emolument from any other sources ; in prosecuting suits in his own name, or in the name of any one else.

357. Or has he any partnership with any one?—Except that his son is joined with him as deputy registrar ; nor does the son practise.

358. Nor any one in his office?—Nor any one in the office; there are none of the clerks in the office connected with the profession further than as clerks.

359. Mr. *Villiers Stuart.*] Is that a new regulation consequent on this recommendation of the Commissioners?—I conceive it to have been always the practice.

360. *Chairman.*

360. *Chairman.*] The Commissioners advised that he should not practise even for extracting probates or administrations, but he does so?—He does so; Dr. Radcliffe did not believe, I conceive, that he had the power to interfere. The former registrar, Mr. Upton, did not extract, but the present does.

361. Do you know of any instance where the court has been applied to on account of any delay or omission on the part of the registrar in the discharge of his duties?—No, I do not.

362. Do you know of any complaint made by the proctors, or any proctor, against the registrar, for delay, or against any one in his office, for delays or difficulties?—I have understood that one gentleman in the profession, who, I believe, was not on very friendly terms with Mr. Hawkins, has made complaints of that nature, and I think they are stated in his evidence in the Report, but I cannot say whether they were well founded or not; for myself, I have not found occasion to complain.

363. Mr. *Villiers Stuart.*] But a suitor or proctor is at liberty to make a complaint?—Unquestionably.

364. And it would be inquired into by the court?—It would at once be inquired into. Perhaps I may be permitted here to mention, that I know of no instance of a judicial censure on any of the officers or the practitioners of the court.

365. In case of such grievance being felt, would the application be made in open court?—I conceive that the proper course would be by petition to the judge in open court, or in chamber.

366. *Chairman.*] Have you looked over the table, No. 1, page 45, containing a list of the registrar's fees?—I have.

367. Are you aware if that table is strictly adhered to?—I rather think it is not; but I believe that there is not much difference between that and the existing table.

368. Can you at this moment point out precisely the difference?—In fact, those appear to be the former fees reduced to British currency.

369. And you cannot precisely at this moment point out the distinction between the fees charged and those in the table?—I cannot, but I apprehend there is very little difference; with respect to the last fee mentioned, "dispensation of faculties to hold plurality of livings," that is a thing, I believe, which now seldom occurs.

370. Direct your attention to page 53, as to the Court of Faculties?—I cannot speak as to any thing connected with the Court of Faculties; the only proctor's duty connected with the Faculty Court in practice is extracting faculties and marriage licenses.

371. When does this court sit?—The term usually commences the day preceding the common law terms, and the sessions, as they are termed by the court, are continued twice a week, as long as the Chancellor or the Master of the Rolls sits. There are generally 12 sessions in each term, except the Easter term, in which there are but 10 sittings or sessions.

372. You take the term to be synonymous?—Sessions or sittings are the same, and the judge attends every Tuesday, Thursday and Saturday morning for the purpose of swearing executors and administrators throughout the year, and on any other day; if any thing of necessity should arise, he is always to be seen at his own house; in short, he does every thing he can to facilitate the public business.

373. On an average, how many hours a day would you suppose for the last year or two years that the court sits, of sitting days?—The court sits as long as there is any thing to do; I have known the court sometimes to sit as late as five or six o'clock, but I should say, that perhaps the general run of business is probably from two to three; the sittings terminate about three, or perhaps four o'clock; and I should also say, that in vacation there are particular days appointed, which are called caveat days, on which the court sits for any matter that may arise during the vacation; but at all times, if any special cause arises, the judge, if applied to, will entertain the subject.

374. Mr. *Villiers Stuart.*] Is the judge enabled to get through the whole of the business in this session, or is there an arrear of business?—Never any arrear of business.

375. *Chairman.*] I have heard it complained of by some suitors in this court, that the business is frequently deferred from day to day, the court rising at the same time at an early hour, by which great additional costs are incurred by the suitors; do you believe that to have any foundation in practice?—In practice, I do not

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not think it is the case; if such case did occur, it might probably be caused by the party himself, or by the acts of the opposite party.

376. Is it usual in these courts, and perhaps others, to give fresh fees or refreshers to the advocates when a cause is deferred from day to day?—It is.

377. Do not the technical forms of the court give greater facilities for those delays?—I should rather say that the course of practice would necessarily create some delay, because it is impossible when a case is opened, if there have been many witnesses examined, that all the depositions can be read in one day, but the judge always meets the convenience of counsel and the proctors, and will sit from day to day if necessary; but with respect to refreshing fees, I do not think they are ever charged or allowed for, except the advocate appears, and something is done in the cause on that day.

378. Have you ever known of refreshers, as, I believe, they are technically called, being given, where the counsel did not actually attend?—No, I have not; the registrar would not allow them, without seeing the certificate of counsel.

379. I am inclined to think that I shall be able to produce a suitor in the court who attended the court himself, and whose cause was put off, for non-attendance of his counsel or advocate, and the fees were charged for the days, and a refresher charged for the next attendance in court of the same counsel; what control could there be in the registrar's office to prevent a recurrence of a similar act?—The registrar would require and always does require the certificate of the counsel for every fee which is charged as for the counsel, and I do not conceive that any counsel would give his certificate, unless he actually received a fee.

380. I do not question his receiving the fee, I only object to his receiving the fee twice, where he did the duty only once, and where the cause was actually retarded from his non-attendance, or in part retarded?—I am not aware of any case of the kind.

381. Is there, under the present regulation of the court, any sufficient control to prevent a recurrence of such an act as that?—I think not; I think such a regulation might be adopted by the registrar taking down in the rule book on each day the appearance of the counsel. When a counsel does state or argue a case, it is always taken down, that on such a day Dr. So-and-so stated the case of the promovent. It is always the duty of the counsel to attend during the reading of the evidence, and the registrar is also bound to take down the evidence; and I conceive might, with great facility, at the same time take down the attendance of the counsel; and a check might be established in that way.

382. It is not usual for Roman Catholics to practise in these courts?—It is not.

383. Is there any law or oath by which they are prevented from practising?—There are oaths, the oaths of supremacy and abjuration, which are taken by every proctor; and I am not aware how far the provisions in the Emancipation Act would go to exclude Roman Catholics from practising in the courts; I rather think there is a clause to the effect that no officer or person belonging to the Ecclesiastical Court shall be of the Roman Catholic persuasion; but I cannot speak with certainty.

384. Do you see any religious objection to their practising in the courts?—None whatever, as far as relates to the voluntary jurisdiction; with respect to the episcopal or clerical jurisdiction, I am not prepared to say whether it should or should not be.

385. Mr. *Villiers Stuart.*] That only relates to the Court of Faculties?—And the diocesan courts.

386. *Chairman.*] As to the Court of Prerogative?—As to the Court of Prerogative, I conceive not.

387. Then, I am to understand you that no case has occurred during your practice where a Roman Catholic might not as well and as conscientiously and as properly conduct any business in which you were concerned as a Protestant?—Certainly not, if otherwise competent.

388. Although called an Ecclesiastical Court in modern times, it has, strictly speaking, nothing to do with ecclesiastical duties?—I think not; I think it is now, in fact, a civil court.

389. There are no Roman Catholic advocates in the courts?—No, none.

390. And the same answer would apply to advocates that you have already given as to proctors?—Exactly.

391. Mr.

391. Mr. *Villiers Stuart.*] Appeals are, I believe, made from the decision of this court to the Court of Delegates?—Yes.

392. The right of appeal is unlimited?—Unlimited.

393. Is it not felt as a grievance very often that appeals are made unnecessarily for the sake of delay?—Certainly, sometimes they are; or perhaps for the purpose of extorting a compromise, or inducing a compromise.

394. Has any alteration been made by the judge of this court, in pursuance of the recommendation of the Commissioners, that the right of appeal shall be restricted?—The judge rather encourages the right of appeal; I conceive it to be the right of the subject, and I have frequently heard him say that if the party is dissatisfied with his judgment, there is another tribunal where it may be reviewed.

395. Do you think the right might still be preserved, but with less inconvenience to the public, if there were some costs, or otherwise, to be imposed where the appeal turned out to be frivolous or vexatious?—At present the appeal is always carried on at the peril of costs. If the superior court consider it as frivolous or unnecessary, they can visit the costs of the appeal upon the party.

396. Can you state what the proportion of appeals is to the decisions by the judge?—I should say they are very few in number, perhaps not as many as six or seven in the year, or eight at the utmost.

397. What is the number of causes tried in the course of the year?—I cannot take upon myself to state the average number.

398. *Chairman.*] You have looked over the evidence of Mr. Crampton, the present judge?—I have not lately looked it over.

399. He recommends that evidence shall be taken *vivâ voce*; do you conceive, from your knowledge of these courts, that it would be an improvement to have that advice followed up?—I think, upon the general principle, that *vivâ voce* evidence is preferable to depositions in writing.

400. Mr. Crampton was a great many years an advocate?—He was some years an advocate, but he was not generally engaged; his practice in the other courts was extensive, but, except on the hearing of a cause, he was not engaged generally.

401. Do you think it would be a wholesome regulation to confine the advocates in this court to practise, as in England, at this court alone?—I do not think that the emoluments to be derived from the practice of the court would afford sufficient remuneration to any barrister for his attendance at that court alone.

402. Do you not conceive that a great inconvenience often arises from the distance of these courts from the other courts of law in Dublin?—No, I do not think it has been practically felt, for the court sits at an early hour, and, generally speaking, there is a day for advocates' motions, which I ought to have mentioned before; during the term, Thursday is the day appointed for advocates' motions, if any arise.

403. Mr. *Villiers Stuart.*] Do you think that the taking of testimony *vivâ voce* would be productive of much delay, or that the business would be as speedily transacted as at present?—I think, from what I have heard of the Court of Admiralty, where the registrar enters the *vivâ voce* testimony as it is given, and in administration causes in the Court of Prerogative, where it is also entered on the acts in the rule book, that it would occupy some time, because the registrar must be particular in taking down the evidence accurately.

404. But do you think the judge would be enabled to get through the business, taking the testimony *vivâ voce*?—I should say it would be analogous to the time occupied in trials at common law; as the mode of taking the evidence at present is in secret and private by the examiner in his chambers, the time of the court is, I should say, rather saved by the present mode.

405. But as to the reading of the evidence?—The registrar does not take down the evidence as read, he merely takes down that such a witness was read to such depositions, or such an interrogatory.

406. *Chairman.*] But if the case were proved, as it is proved in the courts of common law, do you conceive that the business would be rather expedited than delayed?—I conceive it would.

407. Mr. *Villiers Stuart.*] You do not see any particular reason why there should be a different mode of taking evidence in this court from other courts?—My opinion is, that *vivâ voce* evidence is the better mode of eliciting the truth.

408. *Chairman.*] It is not usual for a jury to be called in these courts to decide matters of fact?—The judge decides both the law and the fact, and I have heard

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Dr. Radcliffe express his regret that he had not the power of sending questions to a jury.

409. It must place the judge in a very awkward position sometimes?—It of course increases his responsibility, I should say.

410. And must in many instances be unsatisfactory to suitors, there being only a single person to decide?—The judge always assigns his reason for his judgment.

411. You think that in matters of fact it would be a wholesome change to have the assistance of a jury?—Where there was conflicting evidence as to matters of fact.

412. And the judge to be bound by the decision of the jury as to matters of fact?—As to matters of fact; but I think he should have the power of directing a new trial, if necessary, on the application of either party, as practised in other courts.

413. Do you think that commissions are issued now rather more frequently than what is absolutely necessary?—No, less frequently than they have been, on account of the abridgment of the number of pleadings, and Dr. Radcliffe is very particular in his inquiries as to the necessity of a commission, and before granting a commission he directs that the witnesses shall be called upon to come to Dublin to be examined, and tendered their expenses; but in some cases it may be very difficult to procure the attendance of witnesses in Dublin; for instance, it frequently happens that medical gentlemen are witnesses to a will who may be in extensive practice in the country, and whose demands for adequate remuneration for coming to Dublin would be more expensive than issuing a commission.

414. Do you conceive that the abolition of what are called formal pleadings would be attended with beneficial effects?—I do not look upon it that we have any thing like a formal pleading; there are but two pleadings, the one is called with us the primary allegation, which is, in a testamentary suit, the party setting up the will alleges the execution of the will, and the sanity of the testator. The party alleging intestacy alleges the fact of intestacy, and the degree of kindred which he claims to the deceased, if this might be called a formal pleading. The allegation setting forth the will is what is called in this country the condidit. You are at liberty to allege in the pleadings all the facts connected with the drawing and execution of the will.

415. Would it not be less expensive and equally as efficacious to proceed by petition in such cases as you have just now stated?—There are certain cases in which they proceed by what is called an act on petition, a petition verified by affidavit; but I do not think that it would be a proper method to try the validity of a will on affidavits.

416. I am only alluding now to applying the system of proceeding by petition, in preference to the system of pleading in common cases and in ordinary transactions; it is more usual in the Prerogative Court to proceed by pleading than it is in the other courts, and it is thought that the proceeding by petition will be more expeditious and less expensive?—That, I should say, would depend upon the nature of the case.

417. But, generally speaking, you approve of proceeding by petition in ordinary cases?—In ordinary cases, and that is the mode of proceeding in ordinary cases. As to a question which was asked yesterday, as to general admission into the profession, and the profession being overstocked, I beg to state that the profession is, perhaps, more peculiarly circumstanced than any other. The business in its nature is very limited; the physician, the surgeon and the barrister, have the whole community to deal with; it is only under peculiar circumstances that we have to deal with the public. And there is another matter that has occurred to me since, with reference to the question as to the apprentice fee; I should state that, in addition to the apprentice fee paid by the gentleman who wishes to become a member of the profession, he has also to pay stamp duties on his indentures of 100 *l.*; he also must of necessity be admitted a notary public before he can be admitted to practise as a proctor; and he has an additional stamp duty of 25 *l.* to pay upon the faculty authorizing him to act as notary public, which is for the special purpose of enabling him to act as proctor; and he has a further stamp duty, on taking out his certificate of proctor, of 25 *l.* also; in addition to that, when sworn a proctor under three years, he pays an annual license of 3 *l.*; a proctor above three years' standing pays an annual license of 8 *l.* similar to the solicitor's.

Michael

Michael Mortimer, Esq., called in; and Examined.

Michael Mortimer, Esq.

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418. *Chairman.*] ARE you a proctor of the Ecclesiastical Courts of Waterford?—I am, of the Ecclesiastical Courts of Waterford and Lismore, it is a united diocese.

419. Are you also a solicitor?—I am.

420. You practise in this court, in the Ecclesiastical Court?—I do.

421. How long have you been a practitioner?—About 20 years.

422. Who is the judge of that court?—The Rev. Richard Jones Hopson is vicar-general.

423. Is he bred to the law?—No, he is a clergyman.

424. How often does the court sit for the despatch of business?—Once a week when there is business; but there is not always business once a week.

425. Once a week throughout the year?—Throughout the year.

426. On an average, from your knowledge, how often does it sit for the despatch of business?—I could scarcely say; perhaps once a month.

427. How long has Mr. Hopson been the judge of this court?—I should think more than 10 or 12 years; he was first surrogate to the late Dr. M'Dougal, when he was vicar-general; and he was then appointed vicar-general on the death of Dr. M'Dougal.

428. Was Dr. M'Dougal bred to the bar?—He was.

429. Then, of course, the person who is judge of this court is not necessarily conversant with law at all?—Not necessarily called to the bar; they frequently are doctors of law. I really cannot say whether Mr. Hopson is a doctor of law or master of arts; I believe only a master of arts.

430. Is the judge of this court necessarily conversant with law?—It is quite necessary that he should be conversant with law.

431. Is there any test?—No, I believe not; it is usually in the gift of the bishop.

432. Is the judge paid by a salary or by fees?—By fees.

433. Mr. *Villiers Stuart.*] Are the public likely to suffer from a person ignorant of law being in that situation?—They might, certainly.

434. *Chairman.*] You are aware that the practice of paying judges by fees is one which is condemned in all the superior courts?—Yes; not now practised in any of them.

435. Do you see any reason for continuing it in minor courts, such as this?—No, none whatever.

436. Do you conceive it to be a mischievous practice; that it might lead to mischief?—I cannot say that it would lead to mischief with Mr. Hopson.

437. Do you conceive that the practice of paying judges by fees might lead to mischief in some instances?—Certainly, I think it would.

438. Would you please to tell the Committee what fees are paid to the judge in this court?—I think it is 10*s.* for each document to which the consistorial seal is attached, and 1*s.* for each affidavit sworn.

439. Have you any means of ascertaining what the amount of these fees may be annually?—None, except by report.

440. Having practised for nearly 20 years, you might form a rough calculation of your own?—I have always understood that they never amounted to more than 100*l.* a year in that diocese.

441. Have they increased or diminished of late years; has the business increased or diminished?—The court business has diminished considerably, but the fees very little upon court business; to the judge almost altogether upon probates and administrations, which generally are not court business; they are what is called office business, and they are just as enormous as ever, rather more so in consequence of the Stamp-office being particular in compelling people to administer.

442. Mr. *Young.*] To what do you attribute the decrease principally in the business of this court?—I cannot form an opinion as to what has been the occasion of the decrease in the business of wills and marriages, but the decrease of the great quantity of business has been in consequence of the Tithe Composition Act, for nine-tenths of the business which occupied the court previously was in tithe suits, but upon these I should say the judge had no fees.

443. We are talking of the business?—I cannot say why it is there are so few disputed wills and so few suits respecting marriages, and those are the only questions which come before the court since the tithe business was done away with.

444. *Chairman.*] You are aware that a Bill passed the Legislature last year, which

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which is likely also to diminish the business of the court in other respects; the amended Civil Bill, commonly called Lynch's Bill, to transfer to the barrister jurisdiction in wills in certain cases?—I have heard of such Act, but I know there has been no case under it before the barrister in Waterford.

445. Mr. *Villiers Stuart.*] Within what period have you observed this diminution in the business of wills and marriages?—Within these last 10 years; I think it is nearly 10 years since we have had what I might call a good case in the court.

446. *Chairman.*] There is a distinction between what is called the voluntary jurisdiction and the clerical or episcopal jurisdiction of the court; you could not from memory tell me what fees are derivable from the clerical, and what fees may be derivable from the voluntary jurisdiction of the court?—I could not possibly form an opinion.

447. Is it called clerical or episcopal jurisdiction?—I should suppose that those refer to the questions as to the clergy themselves, the conduct of the clergy.

448. There are few cases of that kind come before the court?—No, I do not remember one.

449. Although this is called a clerical or ecclesiastical court, in practice is it not a court for the decision of civil business?—It is.

450. Who appoints the registrar?—The bishop.

451. Is he a legal person?—No, he is a clergyman.

452. Has he a table of fees in his court for the inspection of the public in any public place?—I think not, I never saw it.

453. Who taxes the costs in this court?—The registrar or his deputy; and then the judge certifies them; but if a bill of costs is required to be produced as a taxed bill of costs, the certificate is signed by the judge.

454. Mr. *Villiers Stuart.*] Who appoints the deputy?—The registrar.

455. *Chairman.*] How many proctors are there at present in the court?—But two.

456. How is a man eligible to practise in the court?—He must be admitted by the judge.

457. And what is the rule for admission?—Merely the will and pleasure of the judge, the judge being satisfied that the person applying is a competent and proper person; I know that an apprenticeship is not necessary, because I was admitted extremely young, on the death of my father, and before I had served my time; I was an apprentice at the time.

458. From what you state, I understand that proctors are not necessarily attornies or solicitors?—Not necessarily.

459. They may know as little of the law as the judge?—Certainly.

460. Do you not conceive that it would tend to great uniformity of practice if these courts were all consolidated and placed under some public control?—Yes, I think they might be improved by that.

461. And that the person appointed to this responsible situation should undergo some examination or criterion by which his eligibility could be judged of?—It would ensure the appointment of proper persons, certainly.

462. Do you consider that it would tend to the advantage of the public, and particularly of professional gentlemen, to have all wills under the control of one great public office in the metropolis, rather than have them separate in these country courts, as they are at present, all over the kingdom?—I think it is a great convenience to persons, where the property bequeathed by will is of small amount, that they should have a place convenient to them for depositing them, and getting copies of them.

463. But it does not necessarily follow, that because they were deposited in Dublin, persons might not, at the same expenses, and perhaps more easily, get copies of them from Dublin, by applying to a professional person?—They need not apply to a professional person in Waterford for a great portion of the probates and administrations in Waterford; there is no professional man employed; they go to the registrar, exhibit the will to satisfy him that it is genuine, and he gives probate to the executors and administrators without the intervention of a professional man.

464. Do you not think that this practice is highly objectionable?—Very objectionable; I have always thought so.

465. Is it not the practice of a person coming and presenting a paper which he says is a will, without any knowledge of the party granting the probate, likely to lead to deception and forgery, and other matters that would be highly injurious to the public?—It might, but it saves the executors, in general, a great deal of trouble.

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466. You are aware that under Mr. Lynch's Civil Bill Act of last year, this portion of the jurisdiction, when it has come to be known and acted upon generally, will be greatly circumscribed for wills where there are only small sums?—I understand that the jurisdiction given by that Act was merely as to the recovery of legacies. The Ecclesiastical Court, in my memory, never entertained any proceeding for the recovery of legacies; those, I believe, were solely recoverable in a court of equity; and it is a great relief to persons of small property to be enabled to recover by the Civil Bill Court such legacies where they were previously obliged to apply to courts of equity; I think it necessary to add, that I do not direct my attention to that portion of the Civil Bill Act of last year concerning wills.

467. Do you not think it would be desirable to have some public control and responsible officer over the registrar and practitioner of these courts?—Certainly.

468. Have you ever directed your attention to what is called the peculiar jurisdiction of some of the Ecclesiastical Courts in England, as distinguished from the jurisdiction they exercise in Ireland?—No, I have not, Sir.

469. Are you aware whether there is any peculiar jurisdiction in the Waterford and Lismore Court, different from that of the Ecclesiastical Courts or Diocesan Courts in Ireland?—No; there is what is called a peculiar jurisdiction in Lismore; but the reason is, that the Archdeacon of Lismore has the power of granting marriage licenses and administrations from the parish of Lismore, and that they call in that diocese the peculiar jurisdiction of the Archdeacon of Lismore.

470. Is it the practice in the Ecclesiastical Court, that the extracting of probates and administrations by the acting registrar of this court should be taken out by himself, and that he should charge the proctor's fees, as if the proctor had attended; is there such a practice?—It is the practice of the registrar to do all the proctor would do, if he were employed, without employing one; but I cannot say that he charges the fees of a proctor.

Mercurii, 17° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Villiers Stuart.	Mr. West.
Mr. Serjeant Jackson.	Mr. Hamilton.

MR. WINSTON BARRON IN THE CHAIR.

John Hawkins, Esq., called in; and Examined.

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471. *Chairman.*] YOU are deputy registrar of the Prerogative Court in Ireland?—I am, jointly with my son.

472. How many years have you been deputy registrar?—Since July 1801.

473. You have had an opportunity of reading the regulations recommended by the commissioners that examined into this court in Ireland?—Yes, they have been read to me.

474. And you have had sufficient opportunity of considering the same?—Yes, I have.

475. Have you read the fees recommended to be taken in the table No. 1, subjoined to this report?—I am sure they have been all read to me, but I have no recollection of them now; I am blind, in total darkness.

476. Are you aware whether the fees recommended by those commissioners have been adopted by the registrar of the court?—They have not.

477. Has any alteration taken place in consequence of such recommendation in respect of fees?—I rather think not; there have been some alterations by the judge, and I have brought a copy of them with me, and the gentleman with me is ready to prove them; they do not apply to the fees.

478. Will you be pleased to hand in that paper?—Yes.

479. What is the title of it?—"Attested copy, Rules of court, made by the Right honourable Dr. Radcliffe, Judge of Prerogative Court in Ireland, in conformity with the recommendations of the Commissioners of Judicial Inquiry contained in their 19th Report."

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480. Mr. *Villiers Stuart.*] Does that contain a list of all the recommendations which have been adopted by the judge of the Prerogative Court?—I think it does since the Report; this gentleman who is with me compared them with the record book, and saw them attested.

481. Mr. *Hamilton.*] Were those rules prepared in consequence of that Report?—Yes, in conformity with the recommendations of that Report.

482. *Chairman.*] I am therefore to understand that the fees recommended in table No. 1, as far as your knowledge goes, have not been adopted by the deputy registrar in this court?—You are, if I form a correct opinion of the table.

483. Does your memory go to the same effect as regards table No. 2; does your memory bring you at the present moment to the nature of the recommendation No. 2, contained in this Report, as regards the Report?—It does not.

484. I will read it, "That of the several fees heretofore demanded, taken or accepted in the office of registrar, such only shall be continued and be deemed lawful as are comprised in the table No. 2, subjoined to this Report, and that the receipt of any other fee, gratuity or emolument for the service therein specified by any person belonging to or employed in this office shall subject such person to a pecuniary penalty for each offence, and further disqualify him from ever acting in the office or the court to which it belongs." The table No. 2, I will not read at length, because it contains a vast number of items, too many to bear in mind, and compare with the fees at present adopted, but as that table must have been read to you, you can answer me simply, yes or no, whether that regulation which I have now read has been adopted in place of the old regulations and fees; can you say from your memory whether such is or is not the case?—I would rather say that it was not, from my notion of it; if you read me a few of the items I could tell you.

485. "For every probate or administration 6*s.* 2*d.* British currency"?—That is not adopted; you will excuse me giving you so much trouble, but it is from my infirmity.

486. I will read regulation No. 3, "That all fees so established shall be considered as fees of the registrar alone, and constitute the fund for payment of all persons employed under him, and for the disbursements and expenses of the office;" is this rule attended to?—It is not.

487. I come now to recommendation No. 4, "That a fair and legible table of the established fees shall be constantly exposed in some conspicuous part of the office; and that on proof made on summary application to the court, that such exposure has been neglected for two successive days, the registrar shall be liable to a pecuniary penalty on account of such neglect;" are you aware whether this rule is attended to?—It is not.

488. I come now to regulation No. 5, "That on or before the first sitting day of the court in Michaelmas term in each year, the registrar shall exhibit to the judge his day-book, in which are entered the several services performed in the office, and the fees received thereon for the preceding year, and shall verify the same upon oath, to be administered by the judge, and to be entered in such book, as containing true, full and perfect entries of all business done, and fees received, according to the established practice of the office, to the best of his knowledge and belief; and that such day-books shall be considered as records of the office, accessible to the public, and as such shall be preserved therein;" are you aware whether that regulation is attended to by the registrar?—It is not.

489. Regulation No. 6 states, "That the office sheet in this department shall contain 90 words, and that in no one copy shall more than one fraction of a sheet be charged for as an entire sheet;" are you aware whether that regulation is attended to?—It is, as regards the first 90 words, but not as to the fractional part.

490. Mr. *Hamilton.*] The fractional parts continue to be charged?—Yes, I am sure it is so.

491. At what rate are those fractional parts charged?—A sheet, if it exceeds 12 and goes on to the 13th, the 13th is charged.

492. *Chairman.*] Regulation No. 7 states, "That on every copy made in this office the registrar or his clerk shall mark the number of office sheets contained therein, and sign his initials after such marking, for the correctness of which the registrar shall be responsible, and that the proctor shall be bound to ascertain that such marking is correct; and, in case of overcharge, the party or person overcharged may recover a certain penalty against the registrar or proctor at his election

election; and that no fee be demandable for any copy issued from this office, unless the charge be distinctly indorsed thereon, specifying the manner in which it is made up;" is this regulation attended to?—Not more so than it was antecedent to that report. *John Hawkins*, Esq. 17 May 1837.

493. No change has taken place?—No.

494. Regulation No. 8 states, "That no party shall be required to take out or pay for any copy of his own pleadings, affidavits or proceedings, or be compelled to take out or be charged with any fee for copies of any will, record, order, decree or document in this office, unless where some ulterior proceeding is to be founded thereon, or the same shall be necessary under any rule of court, but that he shall be at perfect liberty to judge whether or not it be necessary to provide himself therewith, but that it shall be lawful for the registrar to require a person exhibiting any pleading in answer to a former pleading, to pay for and take out a copy of such former pleading;" are you aware whether this rule has been attended to?—There has been no change in the practice with regard to copies.

495. Regulation No. 9 states, "That no party requiring an extract of any will, codicil or testamentary paper deposited in this office, shall be required to take out or pay for a copy of the entire, but shall be at liberty to take out a copy of such portion thereof as he shall deem requisite for his purpose, and shall be charged for the same according to its length, at the rates comprised in the subjoined table No. 2;" is this regulation made?—It is not.

496. Regulation No. 10 states, "That it be the registrar's duty to make out all ingrossed copies of wills to be annexed to grants of probate or letters of administration, and that he shall employ in his office a sufficient number of writing clerks for that purpose; so that no person requiring same shall be unnecessarily delayed, but that, to meet the convenience of parties, the proctor be at liberty to prepare ingrossed copies of wills to be annexed to first grants of probate or administration uncontested, for the comparison and accuracy of which the registrar shall, however, be responsible; and that in such case the registrar shall deduct and allow out of the fee payable to him for such ingrossed copies, at the rate of 6*s.* for every skin thereof, the person making the ingrossed copy to supply the parchment without any additional charge;" has this alteration taken place in conformity with that recommendation?—None whatever.

497. Regulation No. 11 states, "That the seal of the court shall not be affixed to any grant of probate or administration, unless the costs of obtaining such grant shall be endorsed thereon or annexed thereto, signed both by the proctor and the registrar, such cost not to include those incurred (if any) in previous litigation or otherwise;" has this rule been attended to?—It has not.

498. Regulation No. 12 states, "That the fees heretofore taken for rules shall be discontinued, except only in cases of orders actually pronounced by the judge or entered in the rule book; and that in every such case the registrar may demand and receive one fee from the party obtaining such order, previously to taking down or entering same in the rule book;" has this regulation been attended to?—There has been no change of practice.

499. Regulation No. 13 states, "That in cases of appeals from any decision of the Court of Prerogative, when any party shall require a transmiss to be made out for the Court of Appeal, such party shall be at liberty to bring in to the registrar such office copies of the several pleadings and proceedings in that cause as shall have been previously obtained, and that same be made use of as part of the transmiss, and the number of additional sheets only be charged for; and that should any part thereof consist of depositions, such part shall be certified to the registrar as a faithful copy by the examiners, and thereupon the registrar shall attest the entire, the registrar and examiners being respectively responsible only for the accuracy of the copies of such parts thereof as have been made in their respective offices; and that for recomparing and attesting office copies formerly issued to the proctors, and brought in to form part of the transmiss, the registrar and examiners be respectively allowed to charge a fee of twopence per sheet in addition to the charge for supplying the remainder of the transmiss;" has any alteration taken place in conformity with this recommendation?—There has not.

500. Regulation No. 14 states, "That neither the registrar nor any person employed in his office shall in any manner practise or act as a proctor or practitioner in this or any other court in extracting probates or administration, or in prosecuting suits, either in his own name or that of any other person, or have any partnership with any person so practising, or derive any emolument from the carrying on of any such

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such practice, and that any violation of this regulation by the registrar or any person employed in his office, shall subject such person to a pecuniary penalty, and further disqualify him from ever acting in the office or the court;" is this regulation attended to?—There has been no change made in that with respect to the form of practice.

501. On this point, I would ask you, does the registrar or either of the deputy registrars at present practise in this court, either directly or indirectly?—They do in the extracting of probates and administrations.

502. Do they in prosecuting suits?—Certainly not.

503. Either in their own name or that of any other person?—No, in no respect whatever.

504. They derive no emolument?—They derive no emolument from suits.

505. And have no partnerships?—They have no partnerships, or any emoluments, under any circumstances connected with suits.

506. Mr. *Hamilton.*] What they do is only ministerial?—Nothing more.

507. *Chairman.*] The extracting of probates and administrations is not necessarily ministerial?—Perhaps I do not exactly comprehend the word ministerial.

508. In their duties as registrar it is not as a matter of course that they should be the parties to extract probates and administrations?—I do not think it is.

509. But it is the ancient practice of the court?—It is the ancient practice; and I conceive we have a right, even as proctors; as registrars, I do not pretend to say, but being proctors of the court; but it is not necessary, as you put it to the office of registrar.

510. The office of registrar or deputy registrar is all the same now as regards extractions, probates and administrations?—Yes.

511. And are paid for these extracts?—Of course.

512. Separately?—Yes.

513. And it was conceived by the Commissioners, that ought to be placed in other hands; I am not asking whether their recommendations are right or wrong, but they conceive it would be useful to separate that from their regular official duties, and I am only asking whether that has been done; I understand the witness says not?—It has not.

514. The deputies are proctors of the court?—They are.

515. Then it is their capacity more as proctors of the court, you conceive, that they extract these probates and administrations, than as deputy registrars?—Why I do not take upon myself to say, whether they would not have the right as registrars, because I believe it is a general practice through England and Ireland, for the registrars who are not proctors, to extract; therefore, I do not know how I can well sever them.

516. Mr. *Hamilton.*] If as proctors they perform that business, is it a portion of that which is called the voluntary jurisdiction, or the contentious jurisdiction of proctors?—It is certainly not contentious; they could not have any thing to do with it if it was.

517. The voluntary jurisdiction is described, as comprehending ministerial acts in the common course of business?—So I conceive.

518. So it is in what is called the voluntary jurisdiction, that they act as proctors?—Yes, it may be so; I do not attempt to separate them one from the other.

519. *Chairman.*] We come now to regulation No. 15; "That when any suitor or proctor shall think himself aggrieved by any practice, demand, delay or omission of the registrar, or any person employed in his office, he shall be at liberty to submit the same to the court in a summary way, by petition and affidavit, to be answered by the person complained of; and such application shall be disposed of on the next court day in open court; the costs of such application to be paid by the petitioner or respondent, at the discretion of the court;" has any regulation been made of this sort by the court?—I think not; for I think the party or the proctor had the same right before; I conceive they always had a right to complain to the judge, if any delay or misconduct was adopted in the office.

520. I was only anxious to know whether any new rule was made in conformity with this recommendation of the Commissioners?—There has not been.

521. You are, perhaps, aware that the Commissioners recommended that the taxation of costs should be removed from the registrar to some other officer; has that been attended to?—It has not.

522. Is not the registrar at present directly or indirectly interested in a portion of those costs which he taxes himself?—He must, of course; because his own fees

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of the office are charged in those costs; but those fees are so well understood that there can never be any change through oversight.

523. It has been as a general principle laid down in the other courts of law in Ireland, that all officers should be paid rather by salaries than by fees; I believe that has been established, generally speaking?—I believe it has.

524. Do you, from your experience, think that it would be beneficial to the public, or the contrary, to have a similar principle established in the Prerogative Court?—I cannot well take upon myself to say; I think if it is found otherwise to be generally serviceable, I do not see why it should not apply to the Court of Prerogative.

525. Mr. *Villiers Stuart.*] Is it not a fact, at the present moment, in many cases, thousands of pounds are acquiesced in and settled without any taxation at all of the costs?—I believe there are very few taxations as compared with the general business.

526. Can you account for that in any way?—I cannot.

527. In other courts the costs are always taxed, are they not?—No, I believe not; they are not more frequent in other courts.

528. Where heavy sums are involved?—Not more frequently in other courts than in ours; I believe the general practice is, that costs are settled without taxation, in all courts.

529. *Chairman.*] Is there a power at present to examine on oath the proctors or witnesses on behalf of proctors, regarding their costs before the registrar?—Not before the registrar, as he has no power of swearing.

530. Or for making any charges?—The registrar has no power to take oaths.

531. It was suggested that you had a statement to make to this Committee with regard to a certain document or book that was not produced to the Commissioners of Inquiry into this court in Ireland; do you wish to make any explanation to the Committee why this book was not produced?—I do.

532. You are at liberty to make it?—I never refused to produce any book or document connected with my office of registrar; I was called on to produce a cost book, which I conceived to be of a private nature, totally unconnected with my office of registrar.

533. As connected with your business as a proctor?—Yes; it was a private account book; it was by letter I was applied to; I answered that letter; (and I feel—I do not like to express any feeling on it) that letter was kept back; I will not say suppressed; it was kept back in the Report, though my son was examined to it; and that letter gives the reason for my not producing the book; it is dated the 24th of November 1829.

534. You will please, as far as you wish, to explain, and as concisely as you wish; you are at perfect liberty to say why that book was not produced?—Will you allow me to read that letter; perhaps it will be more concise than I could express myself: "Gentlemen; I have to acknowledge the receipt of your precept of yesterday, requiring me to transmit to your office the book in which the costs of probates and administrations issued by me in the years 1825 and 1826 are entered, and but for which precept I should now be on my way to London for the benefit of my health; I lament exceedingly my inability to comply with your requisition, being inadequate, from blindness, to examine that book, which has no manner of connexion with, or relation to, my office of registrar, or any of my official duties, and to select therefrom entries of a private nature, which I could not, in justice to many persons therein named, expose to public examination; should a proceeding of this kind be supposed necessary towards the attainment of public justice, I trust that it will not be sought to be imposed on an individual so heavily afflicted as I have been by the act of Providence; and I have the less reluctance in making this communication, when I reflect that such information as appears wanting can be had through other members of this profession." In addition to my blindness, I was generally in such a state of health that I was ordered by my medical attendant to quit every kind of business, and I was, in fact, at the time I was under this examination, I was, perhaps, the three other days in my bed, and I was ordered to give up all kinds of business, and to come up to London, not only to consult about my blindness, but my general state of health, and this letter has been altogether omitted from the Report.

535. You state, in this letter, that you cannot select therefrom entries of a private nature; it would appear from that, that in your book there were entries both of a private nature as a proctor, and of a public nature as registrar?—That

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construction may be drawn from the letter; that never occurred to me, for there is nothing to connect it with my office of registrar in it; it was written at the moment, under great distress of mind.

536. Then I am to understand, that that book which was so refused to be given up was solely relating to your private business as a proctor?—Yes, solely as a proctor.

537. And have you not now in your possession any book or entry for the years 1825 and 1826, of the nature which the Commissioners required, of a nature bearing on the public entries, any book containing the entry of your duties as a public officer?—The book that was required you will see by the precept or the letter they wrote me; but the public books of the office were in their office at that time, and they had them; they had the public books for those very years, as far as my recollection serves me.

538. It appears strange that the Commissioners should require you to produce a book of your private business as a proctor, if they were examining you on your public duties as registrar; is such the fact?—A great deal of their examination appeared to me very strange.

539. Is it the fact that they did not require the books where the public entries of registrar at that time were contained?—All they required were given, except certain entries in my books which were lost, as stated in my evidence.

540. The Commissioners state, that they found great difficulty in ascertaining on what principles the allowances were made in many cases of costs; and they state also, that in this court the remuneration is much higher in general than those of the superior courts of equity for analagous services; have you ever had an opportunity of comparing the charges for analagous services in the higher courts of equity and your court?—Not within my recollection; I have had more information from the evidence of the two solicitors who were examined on that point, than in any other way.

541. Before whom?—Before the Commissioners who made that 19th Report.

542. You are not prepared to deny that higher rates of charges are made in the Prerogative Court than in the Court of Chancery for similar or analogous services?—I am not prepared to state whether they are higher or lower, except as regards briefs, which I can charge my memory with; from that evidence they are higher in the Prerogative Court for drafts, and they are the same for copies.

543. Has there been any alteration made with regard to the emolument of apprentices in the deputy registrar's office; it was the rule or custom when this Report was made that the deputy registrars had the emolument of taking apprentices, I believe the sole emolument at that time?—They had.

544. What alteration has taken place on this point?—The alterations are particularized in those very rules that I gave you; they are open now to the senior proctors of a certain standing, and are particularly set out in those rules.

545. Do you practise as a proctor in any respect at present, or your son who is joined with you in the situation?—Only in extracting probates and administrations, we do, and in suits in the Consistorial court.

546. You are not registrar of that court?—No.

547. Then to a certain extent you are registrar, practitioner and taxing officer?—I am, to a certain extent.

548. To the full extent in two, and to a partial one in the third?—Yes.

549. Does not that naturally afford you as a proctor in some instances, from your official situation, greater facilities for conducting your private business than that which is in the power of other proctors?—I will not pretend to say that it does not afford it; but unquestionably there is no difference made.

550. A case may arise of this description, by possibility, and perhaps has arisen, that where you were employed to extract originally, to take out probates or letters of administration in your capacity of proctor, that a caveat may be entered, and a suit may arise; in that particular instance you could not go on with that suit, or could you; should you think yourself justified, according to the practice?—I could not.

551. You would then, of course, hand over your business to some other person?—I would first hand the business to the party, at least, consult the party.

552. Mr. *Villiers Stuart.*] Would that be left to your own good feeling, or is it a rule?—It is the invariable rule of myself.

553. Were there not a registrar of the same good feeling as yourself, he might still conduct the cause?—No, I think it would be a violation of his oath; I am

speaking

speaking now as to recommendations of proctors; in suits, I do not do that without the party asks my opinion or advice; I ask them first if they have any friend in the profession; I should not like to act a partial part towards any member of the profession.

554. *Chairman.*] All I mean to infer is, that it is possible that a suit may arise in a case where you are professionally employed in the first instance, and are obliged to give up your professional practice to another proctor of the court, and that comes before you in the course of the proceeding in your public capacity; afterwards, the several proceedings, as registrar and deputy-registrar, come into your office; I simply mean to ask you, must not that case occur sometimes?—I never commenced a suit.

555. Where a proceeding may be commenced by yourself in your private capacity as a proctor, having resigned practice on account of contrary proceedings being taken, a caveat being entered, that that same suit comes into your office in your public capacity, under many charges and in a variety of ways, as a matter of course?—I do not think it properly applies, with great respect, to a suit or proceeding such as may be imagined; a will may get into my possession, or I may be applied to to extract an administration against which a caveat is entered; before any proceeding is taken, the caveat is known, and I relinquish it, and have nothing to do with it.

556. It does not follow, as a matter of course, that there is any corruption on either side; I only want the witness to understand that such a course has naturally a bad effect before the public, and with the parties proceeding in the court in this way, it is possible that in your capacity of deputy registrar you might have it in your power to give certain facilities to one party more than to another by early intelligence?—I think in any case I might have that power; I no doubt have.

557. All I want to ascertain from you, and I perceive I cannot ask it from any one more willing to give the information, is, will it not naturally leave an impression that that facility would be given to the person who first employed you professionally rather than to the opponent?—In point of effect, it may be so, it is possible; but in point of practice it is diametrically opposite, because I keep so perfectly aloof from any connexion with business of the kind.

558. Now I will only go one step farther; I am not imputing improper motives, I want now to ask you this additional question, do you not think that in case of a corrupt person being placed in your situation, that baneful and injurious facilities might be given to one party under such circumstances as I have now mentioned?—I think in a corrupt person it might apply in any case, and indeed he must be a very corrupt man who would go a greater length in that case than any other.

559. Mr. *Villiers Stuart.*] You mean where the registrar was acting as proctor as well?—In any case, whether he was or was not, he could give facilities to one party more than another, if he was a corrupt man.

560. *Chairman.*] Were those cost-books ever discovered that were lost prior to 1812?—No.

561. It would appear, that the practitioners in those courts furnished their books of costs, some of them, to the Commissioners of Inquiry; were you aware of that?—Not until after the publication of the Report.

562. There was a scale laid down of charges, by the judge, by an order of the court, that it was the duty of the deputy registrar to see attended to?—Yes.

563. Has that order been entered in the rule-book or otherwise in the registry?—Not more than appears at the head of the scale.

564. Has it been signed by the judge, to your knowledge?—No.

565. I believe it is the rule that the orders of the court in all other courts are signed by the judge?—I know of no rule to that effect.

566. It is the custom that all orders of the court shall be signed by the judge?—I know of no order-book until that one kept by me; I never knew of an order book except the rule-book, and the order-book which is now kept in which these rules are entered, of which you have got a copy to-day.

567. The rule which I stated has not been entered and signed by the judge to regulate the fees of the court?—That scale I did for a long time conceive was initialed by Dr. Duigenan, and also by Sir William Scott, the present Lord Stowell, but since my blindness I understand that Dr. Duigenan's initials are not on it; but the impression on my mind always was that he had initialed it, and I think it is so given in evidence by me.

568. There is a certain regulation recommended with regard to ingrossing,

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collating and entering the will contained in this printed scale, and I believe it is not found so set down in the charges that are allowed by the registrar; it differs?—The rate is set down, but the amount must vary according to the length of the will, and therefore it could not be set down in that.

569. Again, "The printed scale contains in the charges sanctioned by it some of the gratuities already mentioned as being paid to the deputy registrar, to wit 2*s.* on each probate and administration and 1*s.* and 2*s.* 8½*d.* on each commission, thus transferring the payment of these gratuities from the proctor to the client and establishing them as a fixed charge;" this was thought to be a deviation from the rule already laid down and alluded to, which is not warranted by any order of the judge?—The 2*s.* on the probate or administration, and the 1*s.* on the commission were made when I got the office, and the 2*s.* 6*d.* got into that inadvertently, or by mistake, as described by me in evidence before the Commissioners, and it has been, since the discovery of it and the Report of the Commissioners, struck out and the charge discontinued.

570. It has also been stated, "that clerks' fees are also introduced into the same scale, and appear to be imposed by its authority, although it is not alleged by Mr. Hawkins, that the nature, the particulars, or the amount of the gratuities or clerk's fees were ever submitted to the consideration of the judge;" this is complained of as an irregularity?—I think I have deposed already, that the whole scale was submitted to the judge, and met with his approbation.

571. In your former evidence, I believe it is admitted that the particulars or the amount of the gratuities or clerks' fees were never submitted to the consideration of the judge, or at least not officially, did not receive his official sign manual or approbation?—The scale was submitted to him, and he approved of it; whether his attention was drawn to the several charges I cannot charge my memory with, but but I beg to refer to my evidence given at a time when my recollection was much better on the subject than it is at present.

572. The Commissioners state that they are incorporated and blended together in one aggregate sum, with the fees of the officers, and the proctors' charges, so as to afford no opportunity for the judge to distinguish between them, although it is asserted in general terms that the scale had the approbation of Dr. Duigenan?—Indeed I would beg to refer to my former evidence on that subject; I have been so engaged with the charges contained against myself, personally, in this Report, that my recollection is not so much alive to that as it would appear it ought to be.

573. The last charge which the Commissioners draw attention to is this, "that whilst the scale is so framed as apparently to present the total amount of expense attendant upon extracting a probate or administration, given under each head in each case, the sum thereby presented as the entire charge is deficient by the amount of the fee for ingrossing, collating and entering, which is not included in it;" do you agree in that view?—I do not; I think it a very erroneous conclusion; it could not appear, in my judgment, more explicit; there is a blank left there for a certain charge, at a certain rate, the gross amount of which must vary according to the length of the will.

574. I would draw your attention to this, that that would be perfectly correct were it not that there is a sum total given at the bottom, and the whole apparently added together, and then it says, "Total charges for extracting," and so on; whereas there is a blank left in the main addition?—Yes, but very visible, in a very conspicuous place.

575. The only error, then, is in adding up, and apparently giving a sum total, whereas that sum total did not in reality give the whole charge?—In point of practice I am convinced that that is, in its present shape, more satisfactory to the public in general than it would have been had it not been totted up; for this reason, if a party applies to know how much are those costs, or how much, or nearly the amount of those costs, there you have it very nearly at one view.

576. Mr. *Villiers Stuart.*] It also has this effect, it prevents any additional charge being made?—Yes, I find in practice it is much more satisfactory to the public.

577. *Chairman.*] I only wish to have it understood that a sum total is given which in reality is not the sum total; is not that the case?—It is the case, undoubtedly; but the same error is in the Canterbury scale; if in error, it was done innocently.

578. It appears from this Report that the charges of the proctors which were sanctioned by the registrar in his capacity of taxing officer varied very much for performing

performing the same duty in extracting, and ingrossing, and entering; are you aware of that?—I am not aware at this moment what is alluded to.

579. This Report says, "From the foregoing statement it will be perceived, that previously to the introduction of the system of charge established by the scale of 1812, the proctors' emoluments, on obtaining grants of probates and administrations were confined to the items denominated 'Act and Appearance,' 'Extracting,' and 'Ingrossing and Entering,' the former being in general charged 8*s.* 6*d.*, although in some instances it appears in the proctors' books at 11*s.* 4½*d.*, and in others at 12*s.* 10*d.*; there are three different charges, therefore, for the same duty, according to the proctors that performed them;" can you explain how these different charges happen to be allowed by your office in your capacity as taxing officer for the same duty?—I am certain they were never allowed the different sums; there was a fixed sum allowed.

580. I have already read to you that the manner in which the Commissioners arrived at that information was from the proctors' own books of charges?—It does not follow that the registrar taxed them although they made them; and those bills were very rarely taxed.

581. Then the charge for extracting appears to have been made in some degree with reference to the amount of the assets, and in general varying from 13*s.* 4*d.* to 2*l.* 13*s.* 4*d.*, but sometimes extending to 5*l.* 8*s.* 4*d.*; did any of these different charges for the same duty ever come into your office, or were any of them ever allowed in your office?—Yes, I think they were.

582. How can you account for the difference?—I think that fee was regulated by the amount of assets, and I am sure there was a scale, or some principle then in practice, which regulated it.

583. Is there a scale now laid down for that purpose?—There is in the printed scale of 1812.

584. It would appear that it was the custom for different proctors in their different offices to make charges of a very arbitrary nature under these heads according to the amount of assets; when these charges came before you did you feel yourself bound to reduce their charges to any fixed standard?—Certainly.

585. Then you account for these differences principally from the inattention to the taxation in court?—Not inattention to taxation, but inattention of the proctors in drawing out the bills.

586. The great variation, I suppose, arises from the inattention of parties in bringing their costs to be taxed; am I to understand it so?—If the parties brought their cost to be taxed, they would be regulated according to the fixed rule.

587. That is now adopted?—Yes.

588. Is there a fixed scale for charges now, in taking out administration or probate, or extracting?—There is.

589. Have you brought that scale with you?—I have it in London; it is not with me at present.

590. Will you bring it with you to-morrow?—Certainly.

591. Mr. *West.*] You said, in answer to the Chairman, that as a proctor, there was some portion of business that you did; that you acted as proctor in making extracts of probates?—Of probates and administrations.

592. Could you give us any thing like an idea of the amount of your practice for the year, upon that particular branch of your profession?—As to profits?

593. Yes; I want to get an idea of the extent of it?—I should imagine it is worth 1,200 *l.* a year to me.

594. The extracts from probates?—Yes; from 1,000 *l.* to 1,200*l.* a year; that is mere guess; it may be something more or something less.

595. With respect to the other branches of your profession, could you give us any general idea; in the same way as registrar; is that by salary?—No, it is not; it is by a proportion of the fees, perhaps from 1,000 *l.* to 1,200 *l.* a year.

596. That is pretty much about the same?—Yes; it is about the same.

597. Have you been always in possession of that practice since you were appointed registrar?—Yes.

598. How long was that?—Thirty-six years; in 1801 I was appointed; I would not have taken the office of deputy registrar if I had not had an understanding with the then judge, Dr. Duigenan, that I was to have the privilege to extract; I recollect the conversation with him perfectly.

Jovis, 18° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Hamilton.	Mr. Lucas.
Mr. Villiers Stuart.	Mr. Serjeant Jackson.

MR. WINSTON BARRON IN THE CHAIR.

John Hawkins, Esq., called in; and further Examined.

John Hawkins, Esq. 18 May 1837.

599. *Chairman.*] HAVE you brought with you that paper which you were requested to bring yesterday?—I have.

600. Will you hand it in?—Yes.

[*The Witness handed in a Scale of Fees.*]

601. Has this scale of fees been approved of by the judge of the Prerogative Court?—It has.

602. When was it approved, and how long since?—In 1812.

603. Has there been no alteration since then?—None, save that trifling alteration respecting the gratuity on commissions, which was struck out when discovered, which I mentioned yesterday.

604. The charges of the proctors, by this scale, appear to be according to the value of the property which is sworn to under the administration?—They do.

605. Although it should be the same duty that would be performed in case of the property being small or large?—Exactly so.

606. This is the same scale, I believe, that is mentioned in the Report of the Commissioners, in the 19th Report?—I have no doubt it is.

607. And which they have recommended to have altered?—I think so.

608. Are there any other papers connected with that inquiry, that you think it necessary on your part to hand in to the Committee?—There are.

609. What are there?—There is a certificate of the proctors, which, perhaps, I ought to have handed in yesterday when interrogated on one point, as to my throwing impediments in the way of their business; this is a certificate signed by all the profession, I believe, but Mr. Swift, whose evidence is in the Report, and Mr. Rogers, sen., who was not asked upon it.

610. Is Mr. Rogers practising now?—He is not in practice now.

611. He has retired for some years, I believe, from the profession?—He has discontinued; he does not attend.

612. Mr. *Lucas.*] Is he the gentleman that was concerned in conducting a case some years ago, in which the costs were very extraordinary, 1,500*l.* or 1,600*l.*?—Yes; it is the same gentleman.

613. *Chairman.*] Is Mr. Swift still a practitioner in the court?—He is; and if necessary, I can prove to you that Mr. Swift was about to put his name to that certificate, notwithstanding the evidence he gave, if necessary.

614. What prevented him?—The interference of one of the proctors, stating that it was inconsistent, and at once contrary to the evidence he gave; if necessary, I can prove it by a person present; I feel this the more necessary, in consequence of the way in which I, as an individual, have been spoken of in that Report.

615. Will you hand in that certificate?—Yes; [*The Witness handed in the Certificate*] there is another document which I should be desirous of giving in, if the Committee permit.

616. Mention the nature of it?—It is an affidavit of Mr. Cunningham, who is stated in Mr. Swift's evidence to have given the information; the ground of that evidence upon which the Commissioners have reported.

617. The affidavit of Cunningham himself?—Yes.

618. Submit the affidavit, and we shall see whether it is a document that ought to be put in?—Yes.

619. Is Mr. Cunningham still employed in your office?—He is.

620. I perceive in the explanatory statement signed by the proctors concerning your duties, in the Report of the Commissioners, in page 13, it states, "In the case

case of all other proctors, if the judge should not be at home, or be otherwise engaged, the article must be brought back to the office, and the caveat will be received, and take effect; but in Mr. Hawkins's case the article is not brought back, and the clerks have orders to tell a falsehood to the public, and to refuse receiving that very caveat, of which the law appoints Mr. Hawkins to be the official guardian;" that is the way they put the statement of the Commissioners, and they contradict that?—Yes.

621. Without imputing to you the possibility of ever having done so, I will simply ask you, would it not be possible, were there a person of corrupt practice in your situation, to take that advantage of the opposing suitor in a case of this description?—As I mentioned yesterday, if a corrupt person be in office he can certainly do parties a great deal of injury, but such a practice as that given never was thought of.

622. You recollect perfectly what I say; I feel this is no personal inquiry at all; I am anxious even that your own views and statements should go to your own justification in the fullest extent; but I am here now, if possible, to prevent even a corrupt officer in future from mixing up two different offices that may be an injury to the public; and feeling you have answered me candidly on that point, I think it is of great consequence that you admit the possibility of such a thing being done?—Precisely so; with great respect I would mention this, as one great cause of complaint that I feel personally regarding that point; Mr. Swift was examined on that point, and he deposed as having received his information from Mr. Cunningham; Mr. Cunningham was before the Commissioners afterwards, and was never asked the question; thus I say that they reported on secondary evidence when the primary was within their reach; and he contradicts him in the affidavit.

623. My object is not to inculpate you or any other man in this inquiry; my object is to place the court for the future on such a footing that it will not, so far as human ingenuity can place it, be subject to these abuses, and, referring to page 14 of your justification, I ask you, "In a case where there can be no doubt of the judge signing that fiat, the registrar can at once issue a commission for himself; I cannot state any instance in which this has happened, but it might happen." Now, I again ask you, does not the mixing up of the two offices, or, rather, the three offices, which you hold, necessarily, give the corrupt facility?—It gives the power, but it never was done.

624. Then, again, there is another facility which is given to you in your double capacity referred to in your justification, page 15; it says, "The registrar can swear his own clients, and seal their grants at any hour; but for the other proctors he will swear and seal only at a particular hour." I will ask you does it not give that facility also?—Not at present.

625. It did give it, but not at present?—It did, but it never was practised.

626. Mr. *Lucas.*] Did it give it at the time of the Commissioners' Report?—No; in the time of Dr. Durgenan; I did so frequently when he was attending Parliament, and otherwise absent from Dublin.

627. *Chairman.*] But, as registrar, you can seal whenever you please?—No, for the judge holds the seal.

628. Under the present practice?—Yes.

629. Mr. *Lucas.*] Since when?—He always holds the seal; I only held the seal when he was absent; I had a commission from him to swear and do the general business, all, in fact, but court business.

630. *Chairman.*] Are you aware whether those regulations that were suggested by the Commissioners, and which were read to you yesterday by me, could be carried into effect without the assistance of an Act of Parliament or some legislative measure?—My opinion is, from general observation, that they could not.

631. And that is, perhaps, the reason why they have not been, some of them at least, carried into effect?—I believe Dr. Radcliffe feels that he has no right to interfere with what he conceives are vested rights.

632. Have you any other suggestion, or any thing you wish to state, in consequence of that part of the Report?—There are.

633. We are ready to hear them?—In the first place, I believe the statement refers to a charge, wherein I am stated to have raised the clerks' fees and reduced their salaries, to benefit myself. I should wish to be interrogated as to that.

John Hawkins, Esq.

18 May 1837.

634. Since you came into office, have the fees of the clerks in your office been increased?—By the scale 1812 a small increase may have taken place.

635. Was it consequent upon that increase that you reduced the salaries of the clerks then in your office?—I never reduced the salary of any clerk in the office there was a reduction on new clerks, which did not take place till 1825, 13 years after that scale was framed.

636. There was a clerk in your office, a head clerk?—Yes.

637. What was his name?—Mr. Haggarty.

638. How long did he continue in your office after the scale of 1812 was laid down?—Eight years; in 1820 he died; his salary was continued till then.

639. Did his salary continue the same till his death?—His salary was increased 60*l.*; it was not increased from 1812; it was 160*l.* a year up to his death; it never was reduced.

640. At his death that class of clerk was entirely abolished in your office?—It was; I took upon myself the labours of the office, which I think caused my blindness.

641. Did you take an additional clerk of the ordinary description to assist you?—I did.

642. And his salary was fixed at what sum?—Twenty-four pounds a year.

643. Is there any thing else you wish to state?—There is a charge of creating new fees or new services; it is a very trifling thing.

644. What was the annual average amount of the new fees created by you for the clerks?—To each of the clerks 1*s.* 4*d.* per annum; it only produced that for three years. I caused a search to be made last week and they only produced 1*s.* 4*d.* to each clerk per annum, and I stated in my evidence that the service was of rare occurrence on which the Commissioners ———

645. Mr. *Lucas.*] What was the object of creating those new fees?—For the new services that were introduced, one by the Stamp Act and another on the order of Dr. Radcliffe, the judge.

646. The fees you created were for new services?—Yes.

647. *Chairman.*] Have you any knowledge of the working of the local or minor courts, called diocesan courts?—Why, I cannot say I have a knowledge of them; I have heard a good deal of them, I cannot say I have a direct knowledge.

648. Have you sufficient knowledge to be able to state whether they are regularly conducted on one system, or not, in the different dioceses in Ireland?—I think I have sufficient to say they are not.

649. Are you aware whether the practitioners in these courts are men of sufficient experience in matters of law, or not, to conduct the business in a manner satisfactory to the public, on the average?—I should rather think not, from the proceedings that I have known come from these courts from time to time by appeal.

650. Are you aware whether the men appointed to be judges in these courts are sometimes men totally unlearned in the law?—That I could not take upon myself to say.

651. Are not necessarily learned in the law from their station in life?—I should think so.

652. In fact, that they are sometimes clergymen?—Certainly.

653. Who have not been brought up to any intimate knowledge of legal matters?—I certainly think so.

654. Would you think it possible, from your general knowledge and experience of your own court, to have the business of these diocesan courts concentrated in one court in Dublin under some alterations in the courts, necessary on such a great addition of business?—I would say that it would tend to establish a regular practice throughout the country, and if it could be done without local inconvenience to persons resident in distant parts of the country, it might be advantageous.

655. You have frequent appeals from these courts to your court?—None; our court is not a court of appeal, it is an original court; all causes originate there.

656. Where do the appeals lie from the diocesan courts?—If it is a diocesan court, first to the Archdiocese and then to the Court of Delegates.

657. Have you any general knowledge of the Court of Delegates?—I have had a great deal of practice in that court.

658. Do you practise in it now?—No, not latterly.

659. Is

659. Is their decision final?—No, it may go afterwards to the King in council by a commission of review; I think this very proceeding is set out in my evidence.

660. Then, according to your statement, a litigious person may commence a suit in the diocesan courts, proceed by appeal to the Archdiocese Court, proceed from thence to the Court of Delegates, and then to a commission of review, which gives a very great power, I should suppose, to men having money and being litigiously inclined, to prolong vexatiously actions in these courts?—No doubt of it at all.

661. To the ruin of parties sometimes seeking justice?—No doubt of it at all.

662. Who is the chief judge of the Court of Delegates?—The judges take it in rotation, the judges of the law courts and the masters in Chancery.

663. Singly or jointly do they act?—There must be two for an interlocutory order and three for a final sentence.

664. Are you aware of an Act of Parliament having passed lately, entitled, "Mr. Lynch's Bill concerning Quarter Sessions," which has taken from the diocesan courts a portion of the business which they transact respecting wills?—I have heard of that bill, but I was not aware that it interfered with any of the diocesan courts till now.

665. In cases of legacies not exceeding 20*l.*?—Yes; I may have heard something of it, not sufficient to say any thing on the subject.

666. Would it not give one facility to have those diocesan courts transferred to Dublin, to one focus, that of having all wills found in one place for professional persons to resort to, in case of suits of various kinds in the different courts; at present, if I understand rightly, the practice is, that certain wills are deposited in these diocesan courts in the country; would it not be advantageous to the public in one point of view, to have all those different wills deposited in one place for general resort and safety?—I think it might, under proper regulations, as I said before; it might be right to have some way of giving local information to distant parts of the country, to persons desirous of seeing them; for those wills are generally those of the poor persons, and it might be an inconvenience for persons interested in a case of that kind to send a great distance to get the information required; but, under certain regulations, I am fully persuaded that great benefit would result as to practice.

667. And safety?—And safety, certainly.

668. Are you aware that some of these country depositories are of a very irregular, and I may say, transitory description, depending on the residence of the local registrar?—Yes; and I have heard that their records are very insecure in many places.

669. Have you ever known or heard that they have been lost or mislaid in some particular districts?—I cannot say I have.

670. Are you aware whether any of these local or diocesan courts have what is called peculiar jurisdiction in this country; that your jurisdiction differs in one diocese from what it is in other dioceses?—I am not.

671. Mr. *Lucas.*] Is it not the case that persons of wealth and station usually have a solicitor or man of business in Dublin, for the conduct of their business, in whose hands the drawing of their will would generally be?—I should think so.

672. Is it not the case that poor persons residing in the country, rarely or ever employ a solicitor at Dublin?—That I also believe.

673. Would it, or not, in your opinion, be an inconvenience and expense to poor persons to be obliged to have reference to a central court in Dublin for the purpose of examining wills?—That is exactly the principle I alluded to before; I think, as regards inspection of wills, it might be a great inconvenience to that class of persons, and an expense.

674. My question had not reference to the expense of the fee, but to the expense of employing persons at a distance and travelling expenses, that would occasionally, of necessity, occur?—Yes, a professional person would charge, exclusive of the office fees.

675. Would not a distance from many parts of the country increase the expense in many instances to the poor?—I think it might.

676. *Chairman.*] Generally speaking, the party must employ an attorney to make these inquiries in the country, you would suppose?—I should think not; he could go direct to the office himself; it is not necessary to employ an attorney merely to inspect the will to know its purport.

John Hawkins, Esq.
18 May 1837.

677. Mr. *Lucas.*] Is it within your knowledge that many persons not professional come to your office to examine wills or not?—It is.

678. Many persons who are not professional?—Yes.

679. To save professional fees?—I have no doubt of it.

680. *Chairman.*] The public have a general right to inspect wills on payment of certain fees at your office?—Yes.

681. Mr. *Lucas.*] The fee is not of a large amount?—No.

682. What is it?—Half-a-crown.

683. What would a professional person charge for doing that by deputy, which in the case you speak of the principal does for himself?—I believe he would be taxed 6*s.* 8*d.* for his attendance, at all events, besides the search.

684. If he made extracts would he charge additional for those extracts?—I should think so; I do not know what the attornies have been in the habit of charging, but they would charge 6*s.* 8*d.* for attending to make the search, because they are taxed it.

685. Attornies in making the search would naturally charge fees for any duty they perform for their clients at your office?—I should think so.

686. Some of those duties the principal might, though a poor person, occasionally perform for himself?—Yes.

687. And of course would be subjected to no fees?—Of course not.

688. *Chairman.*] Are you aware that there is a charge been made in page 41 of the Commissioners' Report against you of sanctioning the proctors in a double charge for the same duty in one particular instance?—I am.

689. How do you explain that to the Committee?—I say that no such charge was ever passed over by me, or allowed.

690. Did that bill of costs come before you to be taxed in that case?—Not as a public officer; an application was made to our judge to have the bill referred for taxation, and he refused it, inasmuch as he had no power, although Mr. Fenner swears that he made an order on the subject. The judge was inhibited by the Court of Delegates, and that inhibition still exists.

691. And how came Mr. Fenner to state that it was taxed?—It came before me as an arbitrator.

692. With the consent of parties?—Of course, I could not do it otherwise, and I am positive that no such charge as that imputed to me, namely, allowing double attendance, was ever allowed.

693. Have you any other explanation to make?—In the Commissioners' Report it is insinuated that I absented myself improperly from attendance on them; the truth is, I was in a state of very great debility and seized with sudden blindness, and was obliged to go to London, where I remained for several weeks under the care of a medical gentleman.

Martis, 24° die Maii, 1837.

MEMBERS PRESENT.

Mr. Lucas.	Mr. Hamilton.
Mr. Young.	Mr. Villiers Stuart.

MR. WINSTON BARRON IN THE CHAIR.

John Matthew Galway, Esq., called in; and Examined.

J. M. Galway, Esq.
24 May 1837.

694. *Chairman.*] YOU were a Member of the House of Commons some years ago?—I was.

695. Had you ever any business as a suitor in the Prerogative Court in Ireland?—I had.

696. Is it long since?—My suit there commenced in the year 1826 and ended in the year 1830.

697. It

697. It continued, then, about four years?—It continued about four years.

698. What was the principal point in dispute between you and the other party?—My brother-in-law was taken ill at Ryland's Hotel, and he mentioned to a lawyer that he intended making his will; the lawyer took the heads of the will; but no will was drawn or read or signed by my brother-in-law.

699. The point in dispute, then, was, whether there was or was not a will?—Whether that will was or was not a will.

700. The point in dispute, then, was a very narrow point?—A very narrow point indeed.

701. And that point remained in dispute in this court during four years?—Nearly four years, as well as I can recollect.

702. Were there very heavy expenses attending the decision of this point?—The bill of costs that was furnished me was 545*l.* 18*s.* 3*d.* Irish, and my opponent's costs, I understood, were near 800*l.*

703. Do those costs include your own personal expenses?—O, certainly not.

704. Had you frequent occasion to attend the court in Dublin from your place of residence in the country?—I believe I had to go between 14 and 16 times to Dublin about that simple question, as I call it.

705. Then, besides your costs, there were other heavy expenses?—Very heavy expenses; I used to be often kept three weeks at Gresham's Hotel in Dublin, waiting upon this court, which, as well as I recollect, only assembled every Tuesday and every Saturday.

706. Were there any Commissioners employed in investigating the facts connected with this litigation?—There were, and they came down to the city of Waterford at considerable expense; I understood they had three guineas a day each, and I really do not know what the Commissioners came to Waterford about, what they could do about the business, but there was a commission, and it appeared to me to be the most useless expense I ever knew of.

707. This commission entailed considerable additional expense and delay, I suppose?—Very heavy expense and delay.

708. Have you any recollection of how long these Commissioners sat in Waterford?—O, they sat 11 days.

709. Does it state in the bill of costs what the Commissioners were paid per day, or for their whole charge?—I believe the commission must have been charged to the other party, as I did not solicit the commission.

710. Then how much did your proctor charge per day for his attendance on that commission?—My proctor charged for attendance upon that commission 54*l.* 12*s.*, and for his expenses coming to Waterford 18*l.* 4*s.*

711. How much per day?—Four guineas per day.

712. Does the proctor charge at the rate of so many miles for his allowance in travelling?—No, he charges four guineas per day for travelling; and he charges for attending on the commission four guineas per day; he charges 18*l.* 4*s.* for four days' travelling, and 54*l.* 12*s.* for 12 days' attendance, at four guineas a day.

713. How much does he charge for his travelling expenses?—Eighteen pounds four shillings.

714. For how many days is that?—Four days.

715. How much time do you generally take in going from Dublin to Waterford?—Twelve hours.

716. For which the proctor charges as if he were out 48 hours?—Yes.

717. And he charges the very same for those four days as he does for the days of attendance upon the commission?—Yes.

718. Therefore that is two days, if I understand his charge, for going, and two days for returning?—Just so.

719. The day-coach from Dublin to Waterford takes about 13 or 14 hours?—I believe about that.

720. It is done in one day, in fact?—Done in one day.

721. The mail takes one night?—One night.

722. During the progress of this suit were there frequent adjournments of the court when you attended in Dublin?—I found them most tiresome adjournments; there were several adjournments.

723. Did this necessarily increase your expenses of the proceedings?—O yes, very considerably.

724. Were there any frivolous or vexatious obstructions or objections made to

your claim by the opposing party?—I conceive there were a great many ridiculous and useless ones.

725. Could you give an instance to the Committee of one of those obstructions that appeared to you to be frivolous and vexatious?—They wanted to make out, in the first instance, that my wife, Mrs. Galway, was illegitimate.

726. She was the person through whom you claimed, it would appear, the property in dispute?—Yes.

727. And the opposing party threw a difficulty in your way, by wanting you to do what?—By wanting me to prove the legitimacy of my wife.

728. Was it this that led to the commission in the country?—O no; not at all; that was merely to gain time.

729. Did this objection about the illegitimacy of your wife cause any considerable delay to the suit?—As well as I recollect, it caused some delay, and put me to the annoyance and expense of disproving what they pretended to prove.

730. The party on the opposite side was the brother of your wife?—He was.

731. The real party opposing your claim was your brother-in-law?—My brother-in-law.

732. And he was the party who tried to make out his own sister illegitimate?—He was.

733. You were married several years previous to this?—O yes.

734. Was the legitimacy of your wife ever, to your knowledge, either publicly or privately objected to previous to this time?—Never.

735. Do you suppose, then, it was merely a frivolous and vexatious proceeding, in order to cause delay?—Entirely; wholly and solely on that account.

736. Was that left to the decision of a jury in the end, whether your wife was or was not legitimate?—No.

737. It was then, I suppose, decided by the examination of various witnesses?—They put in the objection, as well as I recollect, to gain time, and to annoy me in the progress of the suit, and they abandoned it afterwards.

738. Was there any case brought before a jury in this particular instance?—None at all.

739. You have been concerned in other law-suits in other courts?—I have.

740. Is it your opinion, from your experience in these matters as a man of business, that a matter of this kind in one of the other courts would or would not be decided in the course of about as many months as this took years to decide in this court under the same circumstances, the point at issue being what you have already stated?—I have heard there is a great deal of delay in the Court of Chancery and the Court of Exchequer, but it strikes me that this matter at issue, or the matter I was concerned in, ought to have been decided within a year, at all events.

741. You have had a good deal of experience in law matters?—I have.

742. Frequently contests on various matters of property in the different courts?—I have had some; I have had a good deal of law business one way or another.

743. When these Commissioners who went into the country to examine witnesses took up 11 days, what was the main point to be ascertained, could you inform the Committee?—Why, I understood they wanted to make out that my brother-in-law who died was more attached to the family of the gentleman who instituted the suit against me, that is, to my opponent's family, than to my family.

744. Did it ever strike you that that matter which took up 11 days in examining witnesses, might in a common court of law, from your experience, have been decided by *vivâ voce* evidence before a jury in six or eight hours?—I should say certainly, if it came as a record to be tried before a judge and jury, it might be decided in six or eight hours.

745. And considering all the expenses that you have enumerated, and the expenses of the other parties, and from your experience, do you think it would be more or less expensive to have it so decided, according to the system of the common law courts?—I think it would be a considerable saving to have it decided by a common record before a judge and jury.

746. Have you ever been informed, or have you any knowledge of what the expense of the opposing party in this suit was?—I was told it was between 700 *l.* and 800 *l.*

747. And do you believe it was?—I believe it was.

748. Could you make a rough calculation of what your own personal expenses might have been, independent of the bill of costs?—I am certain at least 500*l.* *J. M. Galway*, Esq. 24 May 1837.

749. Then, according to that calculation, the expenses of this suit of the two parties, to the best of your knowledge, would be between 1,700*l.* and 1,800*l.* for the decision of that simple question; it would be about that?—At least 1,700*l.*; a thing that might have been decided in a day, if it were tried by a judge and jury.

750. Have you had any opportunities of hearing complaints from any other parties concerned in this court as to the delays and expenses of the Prerogative Court?—Repeatedly; I have heard complaints against the Prerogative Court and the Court of Admiralty.

751. For delays?—For the delays and the enormous and useless expenses.

752. Mr. *Young*.] Then the expense, you say, was something under or about 2,000*l*, because you have not added the expense the other parties may have been at in coming to town?—No, I do not know their expenses.

753. Have you any objection to state what the value of the property in dispute was?—The value of the property in dispute was near 300*l.* a year; about 300*l.* a year.

754. Then a memorandum merely having been taken, and no will having been written, the object of the opposite party was to prevent your appearing as heir-at-law in right of your wife?—Yes, it was chattel property.

755. And your wife would have appeared as joint heiress-at-law?—Yes.

756. And the object was to prevent her getting the property?—To prevent her getting the property.

757. It was necessary to prove her illegitimacy in order to do that?—Yes; and they set up this extraordinary plea merely to put me on the proof of when she was born, and all that kind of thing, and to gain time; they wanted to make out that that was a will.

758. *Chairman*.] The opposing party wanted to make out that this instruction to a barrister was to be considered a will?—Yes.

759. Mr. *Young*.] And then, it having been decided that it was not a will, they wished to prevent your wife from appearing as joint heiress?—It was in the course of the proceeding that they wanted that; they abandoned it when their object was gained; they seemed to have delayed the suit as long as they possibly could, whatever their reason was for it; my brother-in-law owed me a great deal of money, and they wanted to force me into terms to comply with theirs, and their object was to cause every kind of delay whatever, which the court sanctioned.

760. And they were at personal enmity with you, at least not friends?—Not friends.

761. So that they resorted to every device which the law put in their power?—Yes, to cause delay and to give me annoyance.

762. Both on account of personal enmity, and, I suppose, pecuniary interest?—Both; but it appeared to me an extraordinary thing that such a simple matter as this should last four years; that the deciding whether this instruction for a will (the will not drawn) was a will or no will should last four years, and this enormous expense incurred.

763. *Chairman*.] Was the will established or rejected by the court?—It was rejected; it was decreed by the judge ultimately that the will was null, void and invalid in law.

764. Mr. *Young*.] And you do not know whether there was any decision about the costs, but each party paid their own?—Each party paid their own; I paid my costs, and I suppose the opposing party paid theirs.

Veneris, 26° die Maii, 1837.

MEMBERS PRESENT.

Mr. Hamilton.	Mr. Lucas.
Mr. V. Stuart.	Mr. O'Connell.

MR. WINSTON BARRON IN THE CHAIR.

Joseph Stock, Esq., called in; and Examined.

765. WHAT are you by profession?—A barrister practising at the Irish bar, and an advocate in the Ecclesiastical Courts in Ireland. *Joseph Stock*, Esq. 26 May 1837.

 766. And

Joseph Stock, Esq.

26 May 1837.

766. And I believe a doctor also?—Yes, practising in the civil law courts and the Admiralty Court.

767. How many years have you been practising in the Prerogative and Ecclesiastical Courts of Dublin?—Since the year 1817; I think 1816 or 1817.

768. And you have a brother who is a proctor there?—Yes, a proctor in the Prerogative and other Diocesan Courts; he is a proctor in the Prerogative Court, and practises in all the other Ecclesiastical Courts, *virtute officii*.

769. You have had considerable experience, I believe, in these courts?—I have had a good deal of practice in them; I have constantly practised in them since I first knew them.

770. Will you be pleased to give a short idea to the Committee of what the processes are?—Suits are instituted in the Prerogative Court by various forms of citation; a citation answers to a writ in the common law courts.

771. Under this head could you suggest any improvements?—No, I do not think that any improvement could be introduced in the system of process in the Ecclesiastical Courts. I think the system of process is remarkably brief and effective, and serves all the ends that can be desired; and, by long practice, has been reduced to a system which is perfectly well understood and perfectly efficient. I should observe, that the forms of citation in general are briefer than the English forms, and I think more pertinent.

772. Now as to the present system of pleading, perhaps you can give information to the Committee that might lead to a more effectual, or less expensive, and equally effectual system?—In the Court of Prerogative in Ireland, improvements and reforms have been introduced by the present judge, which have removed some imperfections justly attributable to the system before, I think. According to the subsisting practice no party has a right to plead in a cause more than twice; the first plea in a testamentary cause is called the primary allegations or condidit.

773. Have you directed your attention to any improvements that might be made in the present system?—In order to arrive at a clear understanding of the subject, it is necessary to state the actual system very briefly; these primary allegations are exceedingly short, and merely explain the grounds in fact and law that are absolutely necessary for sustaining the right of the party; then the real and effective pleading is the additional allegation; formerly the parties had a right to plead more than once; they put in a farther additional allegation, but that privilege has been retrenched by the recent reforms in the court, and now no party can plead more than one additional allegation; these additional allegations serve the purpose of stating all the facts and documents that compose the body of evidence in the cause on each side; it being the fundamental principle of the court, that every fact should be put forward first in plea, and afterwards in evidence. It may perhaps be proper just to make this remark in passing, that, besides the allegations, exceptions may be put in, such as exceptions to testimony, and exceptions of various kinds, but which in practice rarely occur at present, and, when they do occur, are subject to the strictest control of the court, and really never promote any other than beneficial purposes according to the present system, as long as that system continues.

774. Mr. *Villiers Stuart*.] Does that depend on the judge?—Each party against whom any such pleading is filed, or who is interested against it, has a right to object to its reception; the court determines then whether it is proper to receive it or reject it; but the great mischief complained of being delay in the process of that court, it appears desirable to abridge as much as possible this latitude of pleading in every case, as much as is consistent with attaining the due ends of justice. I was merely remarking (from my practical knowledge of the court, which has been within the presidency of the present judge, who is an extremely competent and able man as a lawyer), that the system of prolixity of pleading has been put an end to, I should say, altogether, or as far as possible, consistently with the system of the court. Now the great difficulty I feel it right honestly at once to put forward to the Committee, observing, at the same time, that whatever I state I state with extreme diffidence, for it would require a peculiar study, and in fact the same diligence and application that a man would give to writing a treatise on the subject, in order to permit himself to give an opinion on the effect of any theoretical change whatever. But however, with that qualification, I should say the question, and a serious question for the Committee is, how far the system of pleading must be altered, if that great change is introduced of proceeding by an examination of witnesses *vivâ voce* in place of examination *in scriptis*. If that change

change is introduced, it may be very expedient also to introduce corresponding changes in the system of pleading.

775. That would naturally follow?—That would naturally follow; because certainly a specific detail of facts in a plea, preparatory to a trial, by the open examination of witnesses, would be superfluous.

776. *Chairman.*] Then the tendency of your experience in these courts would be, if I understand you rightly, to recommend a *vivâ voce* examination in most instances?—I am inclined to think, from the general results of my experience, that public opinion would be much more satisfied, and the wishes of suitors better consulted, if it were found practicable to reconcile the system of *vivâ voce* examination with the fundamental principles of the court, and I do not see any impossibility in that. I should beg leave to state as my reason for that, that the judge of the Prerogative Court has abundant leisure, and consequently you have a fund of time applicable to public purposes which is not now employed. Secondly, I do think that in Ireland the genius of the people lead them generally to desire a system of public examination; I should say, perhaps, in every part of the British dominions the same, but I think it is rather peculiarly the case in Ireland; I think there is a wish and an anxiety, on the part of suitors, for the public at large to be present at all judicial proceedings, to oversee the proceedings; and I have constantly found in my own personal experience, that my clients have been disappointed when they first came to understand that they were not to have their cases brought to speedy issue by an open examination of their witnesses. For these reasons, and others, I certainly am disposed to subscribe to an opinion which I know is not generally entertained by the members of the profession or by the most experienced advocates in England, decidedly not, nor by the judge of the Court of Prerogative, Dr. Radcliffe; but I am disposed to think, and it is the result of my own conviction, that a system of *vivâ voce* examination would be an improvement in the mode of administering justice in those courts.

777. With regard to *vivâ voce* examination, there will be at least one result attained, namely, that of the power of cross-examination?—Of efficient cross-examination; there would be a double advantage obtained, obviously, in the mode of conducting examinations; first, in the direct examination; because, in putting the questions in a *vivâ voce* examination, the examiner is in immediate contact with the mind of the examinee, the witness; one question generates another, and this progression produces two advantages; first, that the examiner sees his way to the end he has in view, and, secondly, that a vast deal of irrelevant matters are necessarily removed; because persons blindly examining in writing must put a great number of questions as matter of precaution.

778. Mr. *Villiers Stuart.*] At the present time the judge does not read the whole of the depositions, I believe?—No, he does not; if he chooses he may call for them, and read them for his own satisfaction; but the practice is, for the advocates to select such parts of the evidence as they think proper and necessary to be read; these depositions are read, and the judge in the Prerogative Court in Ireland never thinks of going beyond what is submitted to him by the counsel; but that embraces a very large proportion. There is a great mischief arises in this way from the present system; I have already stated, that the witnesses are examined upon pleas specifying the facts of the case, and the object of the proctor is, and ought to be, to produce a sufficient number of witnesses to prove each fact, and not more than is necessary; but it so happens, that a witness produced to prove a fact pleaded in any given article of an allegation, most probably knows a great number of other circumstances contained in other articles of the same plea; and the proctor invariably produces and examines him to every article upon which he can give any information whatever, the consequence of which is, that five, six or seven witnesses more than is necessary are very often produced as to a great number of specific allegations of fact, some of which might be dispensed with under a *vivâ voce* examination; they would in every case, because, under a system of *vivâ voce* examination, the moment a fact is proved—which with respect to most facts will be done by two witnesses, if not one—the moment it is disposed of, there will be an end of that part of the examination, and that would abridge, to an incalculable extent, the amount of evidence.

779. Mr. *Lucas.*] The proctor appears, then, to draw from every witness every

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thing whatever he knows on the subject while under a *vivâ voce* examination; the barrister would take only that information which was necessary to the case?—Which was *essentially* necessary to the case; and that I think one of the main advantages of the substitution of system; you observe the mischief resulting from the superfluity of proof is, the increasing the bulk of the brief at the hearing.

780. *Chairman.*] Has the proctor a direct personal interest in producing this mass of evidence before the court?—The consequence of the multiplication of depositions is, that the profits of the proctor are undoubtedly increased in different ways, especially by the size of his brief, for which he is entitled to charge certain fees; but I must state this at the same time, in justification of, and proper protection and vindication of the character of proctors; it is a very nice question with them, and in general it is a due exercise of their discretion to take care that no fact is left unproved that could by any possibility be proved.

781. I am not attributing any corrupt motive, I am only wishing the witness to state the facts?—There is no question that that is perfectly right.

782. That the persons who have the power of prolonging the examination have a direct profit in those examinations being prolonged?—Unquestionably the greater the bulk of depositions the larger the profits of the proctor at the hearing of the cause.

783. And when there is a commission the Commissioners also have another source of direct interest in the prolongation of the evidence likewise?—Undoubtedly, he charges so much per day.

784. Therefore the court that is examining, if I may call it a court, that is, the Commissioners and the proctors on both sides, are themselves interested in having those examinations prolonged?—They profit in consequence; though I am perfectly certain that such a consideration never practically enters into the contemplation of either the examiner or the proctors.

785. Mr. *Lucas.*] In your evidence now, are you speaking of evidence taken in the country only by proctors, or evidence taken in the country and Dublin both?—In both. Precisely the same considerations apply to both; and, in fact, I should add, that there would be the same reason of interest in both cases; because the examiner and the proctor have the same profits, arising from the unnecessary multiplication of proofs; but, I repeat, I am perfectly convinced the profession are pure from any intention or systematic pursuit of interest in any such way.

786. These inquiries by proctors into evidence are preparatory, are they not, to an adjudication of the cause of question before the court?—Unquestionably; and allow me to observe upon that question, that a good deal of what is complained of as delay in the early and preliminary stages of the proceedings of a suit in the Prerogative Court arises from the necessity of making extensive and accurate inquiries as to the facts of the case—the informations in the case—because the rule there being to plead first and prove afterwards, all necessary information must be got together, and the whole case must be instructed with evidence before the plea is put in.

787. Then allow me to put another question, inasmuch as a witness so examined by a proctor, preparatory to adjudication, when parted with, will be expensive to get at again, is it not the duty of the proctor, for the sake of his client as well as his own pecuniary interest, to extract from that witness all the information he possibly can have on the subject?—Do you mean in his private communication with the witness preparatory to his bringing him forward as a witness in public?

788. Precisely; is it not his duty for the interest of his client, as well as his interest for his own profit, to extract from that witness all the information he can?—Undoubtedly; but I do not think the public interest and the proctors' interest at all conflict there, because this kind of examination is not chargeable; there is no fee on the private examination of witnesses; the proctor takes the witness into his office and communicates with him; but supposing the proctor communicates directly with the witness in order to acquire information with respect to the state of things, there is no charge for that, as I understand; I never heard of any fee being charged for such a thing as that; it is his business to take down in writing from the lips of the witness every thing he considers material; an information as to the facts within the knowledge of that witness. It is his duty to do so, out of that he frames the draft of his allegation, which is submitted to counsel.

789. *Chairman.*] Is the opposing proctor allowed to attend the examination of a witness?

a witness?—He is not present. Neither the proctor nor any other person, except the examiner and the witness, is present at the examination.

790. Mr. *O'Connell.*] The course is this, that in a private room the examiner (there being nobody in the room but the witness and the examiner), examines the party upon the allegations of the promovent or plaintiff?—Yes.

791. Then if the impugnant chooses to cross-examine him, he exhibits interrogatories?—Precisely.

792. And after the proctor has examined upon the allegation of the promovent, he then proceeds to examine on the interrogatories of the impugnant?—Yes, there being four days in Dublin to intervene between notice of the examination of the witness on the allegation and the lodging of the interrogatories.

793. And all that is done in private?—All that examination is strictly private.

794. And the examiner is not at liberty to disclose or let any body know what has been deposed to until publication is ordered by the court?—Clearly, that is the course.

795. Then until all the evidence is given, nobody can know what any one witness has sworn to, but the witness himself and the examiner?—Nobody, in the regular course of practice; but you observe, there is a possibility of the witness being indiscreet enough to disclose it, not only to his own proctor, but the opposite party.

796. But nobody can know what has been written by the examiner, the evidence he has taken down?—Certainly not, except the examiner. The judge always has an opportunity; if he pleases he has a right to inspect the evidence at any time, as the witness is brought to the judge on his repetition, and the judge asks him, "Is that your evidence; do you wish any alteration made in it?" The witness is then repeated.

797. And then he is sworn again?—No, not sworn again; but he again affirms, under the sanction of the oath he has taken on the former occasion.

798. Mr. *Villiers Stuart.*] There is no opportunity of cross-questioning before publication?—O yes, there is; cross interrogatories are generally lodged, and there is this advantage over the Chancery practice, and a very great one it is, that the party cross-examining has distinct information of the facts to which his opponent's witnesses are to be produced, the articles being explicit, and containing a detail of all the particulars. It is not the case in Chancery, there is only a general description of the merits of the case; no specific allegation of the facts in the Bill.

799. Mr. *O'Connell.*] And the interrogatories in Chancery; if I remember right, no person can get copies of them?—No, they are quite private.

800. Mr. *Villiers Stuart.*] Does the party get a copy of what the witness has stated, or merely a statement of the allegations of the witness?—The system is shortly this; the allegation is put in by the promovent first, that allegation consists of a specific enumeration of the facts of the case in articles; the proctor, when he intends to examine a witness, hands to his adversary the name, residence and addition of the witness, with a specification of the articles in the plea upon which he intends to examine him; then the adverse proctor having read over these articles, knows precisely the line of facts and evidence which the witness is to depose to, and he frames his interrogatories with that full and explicit information of the facts.

801. Mr. *O'Connell.*] Let the Committee understand this distinctly; the impugnant or defendant knows only what allegations of the promovent or plaintiff's pleading the witness is to be examined to?—He knows it, because his opponent is obliged to furnish him with a list of the witnesses, and to intimate the articles.

802. But what the answers given by the witness to these allegations may be, is a thing he does not know?—Certainly not; but a pleading is very ill framed, which does not contain a clear statement of the facts. It would be exceptionable and subject to revision and reform, and therefore the adverse proctor must be informed of the general purport of the evidence to be given against him.

803. That depends on this, if the witness sustains the allegation?—Just so; that is always presumed; because no man would be mad enough to produce a witness who would contradict his plea; he ascertains that beforehand.

804. In the case of an adverse witness, he may not be able to ascertain it?—It does sometimes happen; for instance, in the case of testamentary witnesses; a witness sometimes contradicts his attestation to the will, but that is always known beforehand.

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805. Mr. *Lucas.*] But usually a witness is brought forward because he is supposed to be a favourable witness?—I have scarcely ever known an instance where a witness contradicts; it frequently happens that they deny any knowledge of the facts; but I have scarcely ever known them contradict; however, it may arise, undoubtedly. And again, this is a very pertinent view of the question, that the examiner who privately examines the witness, on these articles, has a right, and very often exercises his right, of framing interrogatories at his own discretion, out of the articles; it is a very proper privilege, because it may be necessary in order to draw the witness's attention to what is material; and in order to get circumstances that are not disclosed in the article. Of all that, the opposing party can have no information whatever, and therefore to that extent his interrogatories may be blind.

806. *Chairman.*] You have sometimes attended the courts of common law?—Frequently; constantly.

807. Are you not aware that a witness in these courts is often made by skilful cross-examination to contradict a portion of his own evidence, and to throw discredit on his statements?—It frequently happens.

808. Do you not think that this system of *vivâ voce* examination, in the Prerogative Court, will have the effect of attaining the ends of justice in that particular way?—I think the system of cross-examination in every court, proceeding by deposition and secret and private examination *in scriptis*, is most inefficient as an instrument to detect falsehoods in testimony.

809. More especially defective in eliciting evidence from an unwilling witness?—Yes.

810. Or from a witness not disposed to tell the truth?—In that class of cases which so commonly arise, of a false claim or demand being supported by fraud, by fabrication and false evidence, I conceive the system of cross-examination, by written interrogatories administered in secret, to be perfectly inefficient.

811. Mr. *O'Connell.*] When you come to examine on the part of impugnant, it is from his reply to the allegation that the witness is examined in chief by the examiner, is it not?—Yes; he is examined on the impugnant's allegation replying to the promovent's. The pleadings in the Prerogative Court are called allegations; the parties each put in an allegation, which answer to the bill and cross-bill in Chancery, supposing there was a cross-bill; and these are all articulately framed, and contain a specification of facts, numerically arranged; the articles are numbered 1, 2, 3.

812. The number of paragraphs?—Yes.

813. Having a common commencement and a common conclusion?—Precisely.

814. Which is merely formal?—Just so.

815. Then the words of surplusage that have been formally used in the heading and conclusion of each article, of course, increases the expense very much?—Yes. I should observe upon that, that there are formal conclusions to every article which might be dispensed with, and frequently are, and tend a little by the introduction of unnecessary verbiage to prolong the pleadings; but I think an advocate who understands his duty frames his pleadings without any unnecessary accumulation of mere phraseology.

816. Has Dr. Radcliffe introduced any improvements?—Very great improvements with respect to abridging; he has cut off one pleading; formerly there were two, which was a cause of great and unnecessary delay, and this at a loss to the practitioners of the court, particularly the advocates who used always to have separate fees for preparing and correcting these additional pleadings which they lost.

817. Dr. Radcliffe has thus diminished by nearly one-half the duration of the suits?—No, not the duration of the suits.

818. The expense of the suit in the pleadings?—Yes; he has compelled parties now to be much more vigilant in preparing their cases in the first stage for proof, because, before, every proctor knew that although he might overlook or neglect various material parts of the evidence in the first pleading, he would have an opportunity of remedying that in a subsequent stage; he is now obliged at the peril of his client to do all that in the first instance, consequently so much time is saved, and certainly very considerable expense.

819. *Chairman.*] Do you consider that the judge would have sufficient time in this court to examine witnesses *vivâ voce*?—I do; I think there is a fund of time, as I said before, of the judge of the Prerogative Court, that is disposable for public purposes,

purposes, that may be turned to account; I do not think he has got enough to do at present.

820. How many days a week during term does he generally sit for the expedition of business in public?—He sits on every Tuesday and every Saturday for 12 sessions; the terms do not exactly correspond with the law terms. He begins his terms as nearly as possible at the same time with the common law terms, and he sits in the long terms for 12 sessions, that is, 12 court days; and in the shorter term, the Easter term, he sits only eight court days, the time not permitting any greater number; these are Tuesdays and Saturdays, and then there is an extra day for hearing advocates, which falls on Thursday.

821. Mr. *O'Connell.*] At present he has no power at all to relieve himself upon the adjudication of facts by sending it to a jury?—None.

822. *Chairman.*] You have already stated that the Commissioners are interested in prolonging, and therefore delaying the business of the court; does not this necessarily tend to prevent the adjudication being carried into effect sooner than what it would under a *vivâ voce* examination before the judge; for instance, if a commission goes to the country, the parties that go there are interested, at least they are obliged, from the forms and nature of the thing, to have many days consumed perhaps in examining into a very small point or fact; that has to be brought up then to Dublin; that all delays perhaps a term and prolongs the time necessarily; the judge must also read over this, or examine into the points, and then the whole case is brought before the court a second time, one court in the country and another in Dublin, as it were; and more imperfectly brought before the court than what the witness, if he were under cross-examination in the face of the court, would necessarily make it?—I should say that a commission in the actual state of the practice of the court would occupy a larger portion of time, in speeding and returning it, than a trial by an open examination of witnesses in court in Dublin would do; I should say that on a guess, for really I am not competent to offer any decided opinion upon the subject. I am disposed to think, if it be practicable in any case to bring up all the witnesses to Dublin, and examine them in the presence of the judge and the public, that that operation would be completed in a shorter time, that the trial would be spent in a shorter time than if the same number of witnesses were examined by a commission in the country; I have no doubt of it; I am strongly disposed to think so, supposing that the trial went on before the judge *de die in diem.*

823. Now I wish you to direct your attention to giving a power to the judge of calling in the assistance of a jury on matters of facts connected with cases tried in this court, and please to give your opinion to the Committee?—I have not a doubt that, if the present system is broken in upon by the introduction of *vivâ voce* examination, it will be a material improvement, that the judge should have a power to try any question, or the whole case, if he thought it right in a particular instance so to do, through the medium of a jury.

824. Does it strike you that the judge himself must naturally be often embarrassed by his peculiar position of being judge and jury, if I may say so, in cases that come before this court?—It rarely happens, but it does sometimes happen in a very striking manner to the judge, to find a difficulty in disposing of some matters without *vivâ voce* examination, and without the assistance of a jury; but that is an instance of very rare occurrence; for the means of discovering the truth, under the present system, in most cases, is I think as efficient as trial by jury; but it may be more expensive, and may be more dilatory, and I think it is; at the same time I should observe this, that as the Court of Exchequer is constituted now, and as the Court of Prerogative is constituted, if the very same identical question was brought into the Court of Exchequer to be tried, and concurrently brought into the Court of Prerogative to be tried, I have no doubt, even with all the defects of the present system, and all the abuses that are stated to obtain in the Court of Prerogative, it would be tried and concluded as expeditiously, as cheaply, and as efficiently in the Prerogative Court as in the Court of Chancery. For instance, if the Committee will permit me, I will explain, that questions of pedigree very often arise concurrently in the Court of Chancery and in the Prerogative Court. Where parties claim, in cases of intestacy under the statute of distribution, to be entitled to shares of intestates' personal estate, they come into the Court of Chancery to have that question disposed of; and the right to administer under the same statute, or under the statutes in the same matter, is

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very often raised concurrently in the Court of Prerogative, by the same parties. I have been concerned in such cases concurrently going on in the two courts, and my decided impression is, that the system of the Court of Prerogative works efficiently for a more cheap, a more expeditious decision of a cause than the Court of Chancery; I say the system, abstracting it from any abuse that may arise from misconducting the cause.

825. How would you remedy the want of power in the judge at the present moment; what suggestion would you give to the Committee with regard to this question of trial by jury?—My opinion would be, that if the present system is innovated upon, if there is a departure from the present system, by introducing *vivâ voce* examination, that that innovation should be accompanied by the introduction of the trial by jury under necessary checks or safeguards of the judicial discretion of the court.

826. I am to understand you to state, then, that you would not recommend trial by jury in all cases, but that you would give the judge a power of calling in a jury to assist his decision when there were difficult points to be decided?—I think so, and I would hazard with considerable confidence this observation, that it would be, as a general principle, safer that the judge of the Prerogative Court should have the power to empannel a jury and try the case himself than to send it either to the assizes or to the courts of common law, to be tried by a judge and jury; for this reason, that the office of the judge, when the jury is empannelled, being to charge the jury in point of law, and the system of law in testamentary cases and matrimonial cases being one that has grown up in the Ecclesiastical Courts, and forms a great body of jurisprudence upon a set of established principles, not so well understood by the common-law judges as by those who have administered justice in the Ecclesiastical Courts for so many years, it is more probable, that the judge would possess a greater degree of aptitude and ability in charging the jury than a common-law judge.

827. Mr. *Villiers Stuart.*] I think you recommend there shall be a discretion in the judge as to whether he should have the assistance of a jury or not; why should there not be that discretion always?—I will tell you the reason, that the system has been actually in use many years in Ireland, in the Assistant Barristers' Court the assistant barristers try all kinds of equitable and legal questions; every question that can be tried by any judge, may be tried by the assistant barrister under certain circumstances and amounts; I say almost every species of legal question may arise there, and almost every species of equitable question; but certainly the jurisdiction is limited to a certain amount, and the system has been found to work there very well; but, besides that, the reason why I think it essentially necessary that the judge should not be bound to try every case by a jury, but only particular cases, and either the whole or particular facts in any case, is this; the reason why I think it expedient he should not be controlled as to that discretion is distinctly this, that in every testamentary cause, or the majority of testamentary causes, and in matrimonial causes, there is a great deal of matter which is beyond the competency of a jury to decide upon, that is, of juries in general.

828. Matters of law?—Matters of mixed consideration of law and fact arise; to submit these to the verdict of a jury, would be often to submit them to chance; and, in fact, I believe it is not doubted now, that though all our lawyers agree that trial by jury is a perfect system for investigating facts in cases that are not complex but simple in their nature—ordinary cases of contract and the like—yet whenever very complicated and difficult questions, mixed up of fact and law, and requiring refined conclusions and reasonings, arise, it has been often found, that juries are not the very best tribunal adapted to the examination of such cases.

829. Mr. *Villiers Stuart.*] I believe it very often happens that a judge, in a case of record, desires the jury to find such a verdict, whatever they think, laying down the law to them?—Yes, the judge very often desires the jury to find in a particular way; that very often happens.

830. Might not that be the case in this instance, that there should be a jury always, and that the judge should lay down the law to them?—It is in the power of the jury to refuse to comply with that direction, and they have done so frequently. A remarkable case of that sort occurred in the case of the late Lord Trimblestown's will, which has gone through all the courts in Ireland, I believe, and been tried almost everywhere; it proves how very doubtful a thing it is, whether a jury is the best tribunal to have the exclusive cognizance of a testamentary

mentary cause; that cause was tried by several juries; they differed in their verdicts; I have not the slightest doubt that the Ecclesiastical Judge or that the Chancellor, if it were necessary to make an election between a jury and a judge, would decide such a case as that more soundly and more surely than any jury would.

831. *Chairman.*] But it is your decided opinion, I understand, that the judge should have the power of getting the assistance of a jury when he thought it fit?—Decidedly.

832. Leaving the discretion in his own hands?—As an accompaniment to the projected alteration in the system.

833. Do you consider also that it would be judicious to leave a similar power in the hands of the judge as to the issuing of commissions?—I should think, if the new principle is introduced, that the rule should be always to try causes by *vivâ voce* examination, and the exception to grant commissions, in particular instances.

834. But you would leave it the power in the judge; where we will suppose there are several witnesses at a great distance, or from infirmity, or from other causes are unable to attend?—Yes.

835. Where it would be necessary or supposed to be necessary to issue a commission, you would leave the special cases in the discretion of the judge?—Certainly.

836. You think it would be important to do away with commissions in fact in toto?—It would be impossible in some cases, for instance, in cases where the witnesses reside abroad, then it is impracticable, because they are out of the jurisdiction; and so obvious is that inconvenience, that in the common law courts, when there was no power to examine in such cases otherwise than by *vivâ voce* evidence before juries, bills were constantly filed in Chancery to enable the parties to send out commissions for the examination of witnesses, and to make them evidence at the trial; that discretion, therefore, should be retained in order to avoid the necessity of resorting to the Court of Chancery at a great expense.

837. Mr. *Lucas.*] The practice and proceedings in the Ecclesiastical Courts are founded, are they not, on the principles of the civil law?—They are, on the principles of the civil and canon law; the Court of Admiralty is exclusively founded on the principles of the civil law; the Ecclesiastical Courts are founded on the principles and proceedings of the civil law courts so far forth as they are consistent with the statute and common law of the land, and subject to the control of the temporal courts; the true and technical way of stating that proposition is, that the law of the Ecclesiastical Courts is the King's law ecclesiastical administered in the Ecclesiastical Court; it is not the civil law nor the canon law, but those laws so far forth as they are admitted by the common law of the land.

838. But the practice is founded originally on the civil law?—Where the civil law is not excluded by some positive rule or principle of the common or statute law, it obtains.

839. The basis is the civil law controled by the courts of common law?—By the superintending authority of the courts of common law, the King's Bench particularly.

840. The practice and proceedings of the Admiralty Court are founded on the civil law?—Yes.

841. The practice of the Court of Chancery, is that founded on the civil law do you conceive, or the common law?—I take it to be thus distinctly, that in the Ecclesiastical Court the court proceeds (when it is not prevented by the application of some rule or principle) according to the practice of the canon law; where the canon law fails it introduces the civil law, that is, the old Roman law as supplemental to the canon law where that fails; and both under the control of the common law tribunals.

842. Will you state to the Committee what courts in Ireland you conceive to be based in their practice upon the civil law, or into which the civil law enters?—Every Diocesan Court, that is, all the Consistorial Courts, and the Court of Prerogative proceed upon the rules of the canon law; if the canon law fails in any particular instance, they resort to the civil laws so far forth as they are admitted by the common law of the land to adopt the practice of either of those courts.

843. The same with regard to the Court of Admiralty?—The true style and title of the law of the Admiralty Court is the King's law maritime; it is the civil law so far forth as the superior tribunals allow.

844. Now, with regard to the Court of Chancery?—The practice of the Court of Chancery is taken from the canonists and from the Ecclesiastical Courts; that

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is to say, their general principles are taken from the canonists, and from the civil law precisely in the same way and order.

845. You have stated that with regard to Ireland?—It is an universal proposition in both countries.

846. The corresponding courts in England are guided by corresponding rules?—Yes.

847. Do you know any thing of the practice in the courts of Scotland?—Very little; I must know a little, because I am frequently obliged to consider it.

848. Can you state whether or not the practice of the courts of session or court of session in Scotland is founded or not upon the civil law?—Undoubtedly; I take it the whole body of law as administered in Scotland is founded on a mixture of civil law and the customs of the country.

849. Is it not the practice that in all courts where the principles of the civil law enter into the practice, depositions *in scriptis*, as you call them, are taken?—Certainly; it is a prevailing principle in modern jurisprudence as derived from the Roman law; but it appears to me that the ancients admitted both species of proceedings in the Roman courts and in the Athenian courts; it is quite clear that both modes of proof were resorted to indifferently; witnesses were examined; but the general principle there was to read the depositions just as they were taken in writing. The speeches prepared by the advocates in the courts of law, at Athens, prove that they sometimes took evidence *vivâ voce*, and sometimes read depositions.

850. Then the objection that you have stated to exist to the practice of taking depositions *in scriptis* in the Prerogative Court in Ireland will apply more or less to all the courts you have just now alluded to?—Unquestionably; but I think that as far as I can venture to form a conjecture on the subject, there would be greater satisfaction in Ireland arising from the change of system; that is to say, public opinion would be more gratified, whether justly or not I do not know, by this intended alteration than in England; for I observe, by the opinions of the lawyers who have been examined here—the civilians—that they do not consider the change would render the court at all more popular.

851. As far as your own opinion goes, do you think that the change you have been suggesting for the Prerogative Court would be desirable also in the other courts you have just alluded to?—I should be very cautious in venturing an opinion upon that; I should be inclined to follow the authorities of the extremely eminent men who have been examined here, Dr. Phillimore, Dr. Addams and Dr. Dodson.

852. *Chairman.*] With regard to the issuing of commissions, would you think it desirable that when commissions were issued it would be advisable to have the proctors on both sides allowed to attend the examination of witnesses on those commissions?—I should think it would be indispensable to have some legal agent attend; a proctor would be the proper man; I am liable to this error in every answer I give, that my mind is necessarily drawn back to the existing system.

853. Would you think it desirable to have the interrogatories submitted to the counsel or the proctors previous to the examination of witnesses in attendance on the commission, or to have it conducted as it is at present conducted in the common law courts when a witness is examined?—On commissions, (if a change takes place in the system conformable to the tenor of the question put to me, by introducing *vivâ voce* examination,) then, in the case of commissions, there would certainly arise this inconvenience, the pleadings in that event would become much looser,—of a more general and summary nature than at present; they would not, as now, contain specifications of facts to which the witness is to be examined, and in that case the proctor would go down, or whoever was the managing man at the commission would go down, without a specific plea upon which the witness would be to be examined. He must substitute, in the place of that, direct interrogatories, and those direct interrogatories of necessity ought to be framed technically and with great caution and deliberation, because they contain the case. It might be dangerous to leave to the proctor on the spot the preparation of these direct interrogatories.

854. In the case of commissions, do you think it would be an improvement in these commissions to have the commissioners paid a fixed annual salary instead of being paid as at present by the day, according to the length of time the commission occupies?—I have not the slightest doubt that if the office of examiner should continue to be, under the new system, of any thing like the importance that attaches

to

to it at present, that a remuneration by means of a fair and liberal salary is of the very essence of the secure administration of justice in the court; but I am there again embarrassed, because if the new system operates in a certain way, probably the functions of examiner might be abridged to a very great extent, and he would have little or nothing to do perhaps, or at least comparatively little, and then he would have a large salary for doing comparatively but little duty; but if the system continued on the present footing, I should say the examiners ought to get fair and liberal salaries, and ought to be rendered perfectly independent; in fact, I conceive they ought to be a sort of deputy judge, ought to be surrogates, and should be men taken, probably, from the learned profession, and quite independent of any connexion with practitioners.

855. Is it your opinion that it would be desirable to invest those officers with a considerable power in limiting the examination of witnesses in these cases, that it would tend to lessen expense and extent of business?—My idea is that very little discretion could be vested in the examiner in those cases, because I still think that notwithstanding the introduction of the system of *vivâ voce* examination, yet on commissions the examiner would have nothing to do, except to examine the witnesses on written interrogatories; those, I think, ought to be settled in Dublin, in the capital, before the commissioner goes out, and then he would have nothing to do but to administer these interrogatories; but it may be perhaps useful to suggest then this difficulty that occurs frequently in practice to my knowledge. When a commissioner goes into the country to examine, from the negligence of parties, and almost invariable inattention to their own essential interests, the most material evidence is frequently discovered after the commissioner arrives on the spot; and in such a case as that he would go down unprovided with proper interrogatories, and then the difficulty would arise, how is he to get on. I should say in that case upon application to the judge of the court that such fresh witnesses should be brought up and examined afterwards in Dublin at the discretion of the judge, because I really think it would be an inconvenient practice to entrust the framing of direct interrogatories to the proctor without having the opportunity of taking the advice of counsel. The direct interrogatories would then perform the office of pleading, and the pleading is always matter of great consequence to frame with due caution.

856. Would you in this instance give the opposing proctor the power of cross-examination before the commissioners in the country?—Certainly, cross-interrogatories, but to be equally framed before the commissioner leaves the ordinary seat of justice.

857. Mr. *Lucas.*] Will it not often be the duty of the examiner to extract all possible evidence from each witness he has under examination, with a view to the interests of the pleaders of the court?—I conceive it would not be in the power of the examiner to exercise any discretion upon that subject, because when the examiner goes to the country to examine upon a commission, according to the view I have been submitting, he would take down with him the interrogatories already prepared, and the cross-interrogatories, and he would have nothing to do but to take evidence applicable to those particular questions; he has no discretion to enlarge the commission himself, and put interrogatories framed by himself; that has never yet been thought a proper attribute to a commission under a court.

858. But the question has already been very properly asked by the Chairman, whether it was not the pecuniary interest of the examiner to lengthen the proceedings in commissions, and you gave an answer upon that subject?—As well as I recollect, what I answered upon that subject, was with a view to the present practice of pleading the facts preparatory to the examination, which may lead to an unnecessary multiplying of the depositions. That is a thing that could not take place under the new system. That would arise out of this state of facts; when the facts are pleaded articulately and specifically, then the proctor may exercise a discretion as to producing A., B., C. or any given witnesses, to 2, 3, 4, 10 or 15, or more articles, or only to one, and I say that in practice it is found, that they exercise that discretion generally to the unnecessary multiplication of proofs.

859. *Chairman.*] And to the increase of the depositions, of course?—To the increase of the bulk of depositions, but without any corrupt intent in the discharge of what they conceive to be their professional duty; I think that a necessary evil resulting from the system as at present arranged.

860. Mr. *Villiers Stuart.*] I think from the tendency of your examination, you

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are inclined to think it would be an improvement, if there were juries and a *vivâ voce* examination; and you stated, that the difficulties you thought were not insurmountable; could you state what the difficulties are that stand in the way of such an arrangement?—The first difficulty I conceive to be one that startles every experienced mind, I think, upon the proposing a general innovation upon a long establishedsystem of jurisprudence; that is the strong objection, and an alarming one it is at first sight; because you do not know how you can make it assort with your new experiments; but secondly, the difficulty that practically suggests itself to the mind is, how to reconcile the established system of pleading and appeals with the introduction of the trial by open examination of witnesses in court. The system of pleading is framed at present for the express purpose of secret examination, private and separate examination. Surprise has been prevented by the specific detail of all the facts of the case in the plea; the detailed allegation of all the facts gives your adversary warning what is to be brought forward on proof against him. That warning being given, there is comparatively little danger in a secret examination, because you know then what is to be proved against you, and you know how to meet that case by cross-examination; but if a new practice of an open examination is introduced, then it would be superfluous to set down minutely and distinctly and technically all the facts of your case in pleading; it would serve no purpose, because the end attainable by that specification would be attained in another way, namely, by the open examination and cross-examination of your witnesses; therefore, I think that to reconcile the existing system of pleading and the whole machinery of the court and the present system of appeals with the new system, would be a difficult undertaking.

861. *Chairman.*] There would necessarily arise, then, a difficulty from a new system in the whole management?—I think so.

862. And, therefore, necessarily an objection in the minds of the professional persons connected with the present practice?—I do not think that any of the practitioners would feel that; I think they are in general prepared to submit with good will to whatever is the determination of Parliament upon the subject.

863. What I mean is this, that professional men, who have been in the habit of conducting business in a certain routine, will naturally feel a repugnancy to have that routine altered by a new system being laid down?—I do not think that is the case in Ireland, though possibly it is in England, because of the line of demarcation between the two professions. In England the civilians would naturally feel reluctant in attempting to conduct the practice belonging to the common lawyer; but that is not the case in Ireland, because every lawyer in the Ecclesiastical Courts there, is regularly bred up to the bar, and has practised more or less in the common law courts, has gone circuit, and has laboured to complete his education and his efficiency as a Nisi Prius lawyer, and therefore would feel less incompetent, or less new in the practice of *vivâ voce* examination.

864. This applies only to one branch of the profession; it does not apply to the proctors?—No, it does not apply to the proctors. Indeed I think that the proctors would be exceedingly at a loss at first. I should add again, and I cannot too often repeat it, that though the leaning of my mind on the whole is to think that the public in Ireland would be better satisfied by a system of *vivâ voce* examination, yet I am far from giving it as my decided impression that it can be introduced with utility. I think the public would be better satisfied, and my own opinion is, that it would work well, and make the system better; but when I look at the host of authorities against that opinion, all men who are most eminent in their profession on this side of the water, and that they unanimously agree that it would be a change not for the better, I cannot but give my own opinion with very great diffidence.

865. Mr. *Villiers Stuart.*] In Ireland, where, as you say, the lawyers practice in the courts of common law as well as the Ecclesiastical Courts, you think there would be the same feeling against this change as there is in England?—No, I do not; on the contrary, I think the public will be satisfied; and that it is absolutely necessary, in order to give public satisfaction, whether from the prevalence of a general prejudice or otherwise. I think, in order to give satisfaction, it would be a material step to introduce the system of *vivâ voce* examination.

866. And also, from your examination I should suppose it would tend to lessen expense and to give increased facilities to the despatch of business?—I am inclined to think so; but it is very hard to give an opinion. I think if there were 20 witnesses to be examined in a particular cause, and you are to choose whether to bring them to the metropolis, and examine them *de die in diem*, or send commissioners into the country

country to examine the same number of witnesses, it would be less expensive to adopt the former than the latter alternative.

867. *Chairman.*] From your general practice, you have had very frequent opportunities of knowing the working of the diocesan courts in Ireland?—I know a good deal about the practice of the diocesan courts.

868. Are there not appeals coming before the Dublin courts from the diocesan courts occasionally?—The appellate jurisdiction of the Consistorial Court of Dublin is very limited, very limited indeed; for some of the dioceses only in the immediate neighbourhood of Dublin belong to the metropolitan jurisdiction; but there are appeals come before the Consistorial Court.

869. Have you ever practised in any of those local or diocesan courts?—I frequently conduct cases that are carried on in those local courts, and I have been at the hearing of causes as counsel.

870. Is there great regularity in the manner in which these courts are conducted, or uniformity of practice?—Generally speaking there is an utter and sheer ignorance of the elementary principles of law and practice in those courts. Generally speaking, there are some remarkable exceptions, for instance, the court at Armagh. There the business is conducted very well. So in the great commercial town of Belfast, I should say that the practitioners in that diocese were competent men; I know they are clever men there. So in the city of Cork, I should say, there they are competent.

871. Are the judges in these courts, generally speaking, men necessarily of legal knowledge?—By no means; they are generally country clergymen, almost all, I think are clergymen; the vicars-general have frequently been laymen and lawyers, but they never personally preside; the surrogates are almost always clergymen, and with no knowledge whatever of the principles of law; but being generally men of education, it is to be observed, that they seldom stray widely from the land-marks of common sense, or the just appreciation of evidence; but they are totally ignorant of the principles of law.

872. Are the practitioners in these courts, to your experience, men that have sufficient legal education to conduct the business that comes before them?—Generally speaking not, but with some exceptions, I should say they are; I always except the courts at Belfast, at Cork and at Armagh, where I know the men are very competent to discharge the duties of proctors and judges; for instance, Dr. Miller, the eminent author, is the surrogate and acting judge of the court at Armagh, and, though he is no lawyer, his great ability enables him in a considerable degree to supply the want of a professional education; but that is a rare case.

873. Do you think that these courts and their business could be consolidated in Dublin without any very great inconvenience to the suitors throughout Ireland?—In all those cases carried on in the diocesan courts in which I have ever been concerned, and they are numerous, I do not know a single exception in which it would not have been greatly advantageous to the public and the suitor that the cause should be conducted in the central court, in the court of the metropolis.

874. Are you aware that the business of these courts has diminished or increased of late years?—They have lost almost all their business; the only profitable business they ever had in those country courts was the tithe causes; that jurisdiction was taken away several years ago, and the consequence was, that proctors who were making a very comfortable and respectable income became almost pennyless, were reduced to nothing by the abolition of that jurisdiction, and they were obliged to resort to other expedients to maintain themselves—became session attornies, and so on.

875. The business therefore has considerably diminished?—Considerably diminished.

876. And in some of them, I believe, is very small indeed at the present moment?—Very small, next to nothing.

877. Not of such a nature as to induce men of education to turn their attention to practising in these courts?—Decidedly not.

878. You are aware also that a litigant in these courts has the power of appeal from the diocese to the archdiocese?—Yes.

879. And from the archdiocese to the Court of Delegates in Dublin?—Yes.

880. Under the system in the Dublin Court of Prerogative there is no such third appeal?—From the Prerogative there is only an appeal to the King, who disposes of that appeal by commission of delegates.

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881. At the other courts there is a treble appeal?—Two successive appeals; three successive courts.

882. Three courts which a litigious person may force a suit into?—Yes, the court in the first instance, the Diocesan Court, the Metropolitan Court, to which the appeal lies directly, and then the Court of Delegates, which ultimately decides the appeal from the Metropolitan Court.

883. This power of prolonged litigation does not exist in the Prerogative Court?—No, there is only an appeal from the Prerogative to the Court of Delegates; but it may be necessary to state, that according to the principles of the canon law which govern the Ecclesiastical Courts the liberty of appeal is carried to the extreme of license, and that is one of the subjects that demands most loudly the interposition of the Legislature, in my humble judgment. The canon law, whatever principle it is founded on, allows of appeals from every order, rule or decision made by the judge in every stage of the cause, and consequently arms such litigant with the means of vexatious delay, which was complained of always as a very great evil.

884. And is a source of very great expense in these courts?—It has not in my experience practically worked to any thing like the extent of mischief that might reasonably be expected; but it is observable that it requires the judge of the Prerogative Court to exert himself contrary to what he would be disposed to do to prevent the violent abuse that would arise from the constant interposition of appeals. He is a very experienced man, and very able to prevent in many instances those appeals which would operate very injuriously, and I think the discretion of counsel tends further to protect the suitor against that evil; but an unlimited license of appeals from every thing that may be called a grievance is a mischief which certainly calls loudly for redress.

885. Have you had any practice in the Consistorial Court of Dublin?—Yes.

886. Is it the same judge that presides in the Consistorial Court as the Prerogative Court?—It is.

887. Has that been the practice for many years?—It has been the practice during the time of the present judge, and of his predecessor, Dr. Duigenan; the two offices were united since 1785 (when Dr. Duigenan was appointed), at least whether they were exercised jointly before his time or not I am not quite aware. The patronage of the office of judge of the Consistorial Court and of the judge of the Prerogative Court is vested in two distinct prelates. The Archbishop of Dublin appoints the judge of the Consistorial Court, and the Archbishop of Armagh appoints the judge of the Prerogative Court.

888. Do you think that these two courts could, with advantage to the public, from the nature of their jurisdiction be consolidated?—I think they ought to be consolidated, and that it would be very advantageous to the public to have them united.

889. You have already stated it is the same judge that presides in both courts?—Yes.

890. And has presided so since 1785?—Yes, about that time, when Dr. Duigenan was appointed.

891. And the nature of their duties; are they very different or are they of a similar description?—Extremely similar; that is to say, that they are both the duty of administering the canon and civil law in different courts.

892. Do you see any rational or practical objection to their consolidation?—I do not; I do not think there can be any possible objection to that consolidation, except that it might be thought proper by the Legislature to indemnify that prelate who loses the patronage; the patronage is at present in two distinct prelates.

893. Now each court is distinct, and you conceive it would be an advantage to consolidate them? I do; I should think that, probably, for the consideration of public advantage, no objection would be made to a legislative measure.

894. Might not that be effected by giving the alternate appointment to both of these prelates?—The dignity and profits of those two offices are so totally unequal, that it would be impossible to apportion the patronage in such a way as to meet the ends of justice between those two patrons; the income of the judge of the Prerogative Court is 3,000*l.* a year, and the income of the judge of the Consistorial Court is only 300*l.* a year; you could not apportion the patronage in such a case as that.

895. Mr. *Hamilton.*] In what respect do the two courts now differ, with the exception of the patronage or the judge of it; the same judge acting as judge for both, how far is the consolidation not complete, with the exception of that?—There is no consolidation whatever, except in the casual union of the two offices in the same person.

896. *Chairman.*] They have different offices?—Quite so; distinct in all respects.

897. Different jurisdictions in many respects?—One is local, and has a limited jurisdiction, and is a mere Diocesan Court. As to matrimonial cases, the Court of Prerogative has nothing to do with them at all.

898. The Consistorial Court is in fact the Diocesan Court of Dublin?—It is, of the city and diocese of Dublin.

899. The Prerogative Court is a court that extends its jurisdiction over the whole of Ireland?—Yes.

900. If it were thought proper to consolidate the other diocesan courts in Dublin, it was a matter of course that the Consistorial Court should be consolidated with that of the Prerogative?—Yes, it should follow the same rule, I conceive.

901. Are you aware of the nature of the situation of registrar, that he has very large emoluments in Ireland in the Prerogative Court?—Very large emoluments.

902. Have you any general idea about what the amount of those might be?—I am pretty sure it was returned by the deputy registrar from an official source of information, at upwards of 3,000*l.* a year.

903. Are the duties of the office performed by deputy or in person?—They are performed by deputy.

904. Entirely?—Yes, entirely.

905. Are the emoluments derived from a fixed salary or from fees?—From fees.

906. How is the deputy paid?—The deputy receives all the fees due by the suitor coming into his office, and he accounts for a certain portion of those fees with his principal; I believe that is the way it is done. The fact is, it is settled by contract; he pays so much to his principal as a sort of rent for his holding the office; I rather think that that must have been Mr. Hawkins' own evidence before the Committee; I am only speaking from recollection.

907. In the recommendation that you have already given, that similar officers should be paid by fixed salary according to the duties performed, do not you think that the registrar should come under the same rule?—Most decidedly; it would be clearly for the advantage of the public and the suitor that he should be paid by a salary, and separated in every possible way from any connexion with fees.

908. And that the registrar himself should be a man of experience and station, would you advise?—I think that the office of registrar of the Prerogative Court is one that requires ability, and respectability of character and public respect.

909. And experience?—And undoubtedly experience, and professional ability as a registrar, most decidedly.

910. Then in that case, under a new arrangement of these courts, would it not be desirable that he should perform the duties in person, whoever should be appointed under any new arrangement?—I think so; there cannot be a doubt about it; I cannot conceive a greater abuse or a greater absurdity than a judicial officer receiving emoluments who never attends nor exercises the duties in person.

911. We have a precedent, I believe, in the other courts for what Parliament has done in removing similar anomalies?—O yes; in Ireland a complete reform has been effected in that respect in the common law courts, where great offices, with large salaries annexed, were obtained by persons of very high rank, nominally acting in the offices, and where the business was done by deputy; as, for instance, as well as I recollect, the prothonotary of the King's Bench was some great man.

912. But in these courts that change has been already effected?—Yes.

913. But nothing of that nature has been carried into effect in the Prerogative or Ecclesiastical Courts?—No, there again we raise the question touching the rights of the patron.

914. In whom does the patronage vest of the appointment to the office of registrar of the Prerogative Court?—The Archbishop of Armagh.

915. Mr. *Villiers Stuart.*] With regard to the removal of the Provisional Courts, do you think that any very great inconvenience would arise to the people in the different counties, from their not having the means of resorting to any place in the neighbourhood where they could take out administration or probate to wills?—I

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cannot say that I should not anticipate some inconvenience from that; undoubtedly I should anticipate that; but when I speak of transferring the jurisdiction of those courts to a central court in the metropolis, I speak in allusion to causes of some consequence, testamentary or matrimonial; I should say with respect to matrimonial causes, that I have scarcely known that a case can arise in which it would not be more advantageous to the suitor, that the forum of trial, the seat of jurisdiction, should not be in Dublin preferably to any other part of the country, because they are always important cases; but then the question to which I would address myself is one which certainly creates a considerable degree of difficulty and doubt; and that is, where the assets are small of a deceased person, and probate or administration is wanted, whether it would be right to oblige that suitor to resort to a tribunal at a distance from his home; it is to be considered that from the facilities of communication, from the existence of a number of known officers for the purpose of transacting business of this kind in Dublin, that the transmission of the documents by post or other public conveyance would not be difficult, nor would it appear to me that that would necessarily or probably create greater expense to the individuals; there is this difficulty, that an administrator or an executor must be personally sworn in order to enable him to take on himself the duty of his office, and in cases of small farmers (in will cases) it certainly appears to me it is deserving of consideration whether they ought to be obliged to travel that distance, or be at the expense of a commission sent down from Dublin to swear them.

916. *Chairman.*] Would not that be obviated by having local commissioners in each of these dioceses to swear the parties?—Certainly that occurs; it occurs that that obviates certainly a part of the objection, for with respect to cases where there was no suit or contest they might be sworn on the spot by the surrogate for the diocese, or some other person appointed; but where a contest arises, and a trial or a judicial proceeding becomes necessary, then the doubt recurs whether or no it would be proper, in cases of very small property, to send the parties to Dublin, or to have the case determined below; there has been a recent Act of Parliament introduced which has transferred in some of these cases the right of jurisdiction upon wills to the assistant barrister, but upon which, however, the construction put by myself, and I believe other legal men, is, that it leaves a concurrent jurisdiction still in the Diocesan Court

917. Mr. *Hamilton.*] And that is limited to a certain sum?—To a certain amount of assets.

918. *Chairman.*] We have at present in Ireland commissioners from the Court of Chancery, who are allowed to take affidavits and to swear to answers and other proceedings in that court?—Yes.

919. Might not a similar power be granted in certain districts in Ireland to give facility to poor persons to undertake administration where there are no suits or contests?—I should say it might be very well left with the present officer to do that; the surrogate of the diocese; if, indeed, you take away that court, the office of surrogate would be abolished, unless it were preserved by the Act of Parliament, and then, certainly, you might vest the power in those commissioners, or in the justices of the peace, singly, or at petty sessions.

920. And where any litigation arises on small sums, would it facilitate, do you think, the attainment of justice, by allowing a jurisdiction to the assistant barrister in these cases?—The assisting barrister, according to my recollection of Mr. Lynch's Act, has acquired concurrent jurisdiction with the Diocesan Court now to try and determine questions of controverted rights of administration and probate where the amount of assets is under a limited sum.

921. Should there be any doubt about this jurisdiction under the Act brought in by Mr. Lynch, do you think that it would be advisable in certain cases to give that jurisdiction to an assistant barrister, provided those local courts were consolidated in Dublin, as is suggested?—I have heard a great deal of controversy upon that subject, and many difficulties started; I know that it has been frequently discussed. I never applied my own mind particularly to the consideration of that subject, and should feel at a loss to give an opinion upon the subject. I have heard great difference of opinion as to the feasibleness of that project; but if it be, as I think you will find is the case, that Mr. Lynch's Act has vested in the assistant barrister the right of determining questions of administration and probate, when litigated between claimants, and questions of probate and questions as to the validity of a will; if that be the case, then supposing the diocesan courts be taken away, the alternative or concurrent jurisdiction in virtue of which the party has the right of resorting

resorting to either of these courts would fall to the ground, and the assistant barrister then would remain the sole judge within the statute.

922. Mr. *Hamilton.*] Does it occur to you that that would be desirable?—That depends on the general question, whether it would be desirable to suppress the diocesan courts.

923. But do you think it would be desirable that jurisdiction in matters connected with civil law should be given exclusively to a barrister not necessarily educated in that particular profession?—I feel at a loss to answer that question. The difficulty arises in measuring the amount of assets which should vest the jurisdiction in those cases; at least that is one difficulty; in order to ascertain that there is a jurisdiction, and to prevent imposition on the courts by bringing cases into the barrister's court above the jurisdiction, it would be necessary to take an account of the assets in the first instance, and that certainly creates a very great impediment; and then you will observe it is an established principle of the common law, that if a tribunal not competent to entertain the question grants a probate, that probate is merely void; or I should say grants an administration of an intestate, that is merely void; and the consequence is, that all acts of the administrator are null, and great evils may arise in consequence of that, because all payments are void; payments of debts and discharges given by such an administrator are all null and void.

924. So that the law, as it stands at present, is liable to that objection; Mr. Lynch's Act?—I think it is; I am speaking now without having the Act before me.

925. But on that common principle?—Certainly, I should say if the Act has given the power to the assistant barrister to try testamentary questions, in cases where the assets amount to a certain sum, and he grants probate or administration in a case where the assets exceed that sum, his acts would be questioned, and great inconvenience may result, because the mesne acts of such an administrator, after he obtains the administration, and before that is avoided by a competent tribunal, all the mesne acts are null and void.

926. Could you suggest any means for obviating that difficulty?—I certainly would not venture to give any opinion upon that subject at present; it is too nice and too difficult a question.

927. *Chairman.*] Does it suggest itself to you that a question of that nature might be tried in the shape of a short issue, before the assistant barrister himself, with the power of impannelling a jury, as to whether the assets were or were not over and above the sum where he was limited to have jurisdiction?—The finding in that case, which would be very often a finding on imperfect evidence, is either a true or a false finding; if it is a true finding, certainly the verdict ought to be conclusive; but if it is a false finding, it would be exceedingly pernicious to make it conclusive; because then a fraud might be practised, and persons might get or snap an administration on fictitious evidence in the barrister's court, and that administration and the judgment of the court, often involving the most serious consequences, would become final and conclusive; because, suppose a man gets possession, under an administration of this sort, of 10,000*l.* in funded property, and makes away with it, there would be no remedy if the jurisdiction of the assistant barrister's court, on a finding of a jury there as to the amount of assets, is conclusive and irreversible.

928. Mr. *Hamilton.*] If I understood the question right, it was, that the finding of the jury with regard to the amount of assets should be final and conclusive in giving jurisdiction if it were less than the same amount?—I apprehend the question just in that sense; but observe practically the working of that system; supposing a man dies intestate worth 10,000*l.* in the funds, suppose the next of kin comes into the assistant barrister's court, and upon fictitious or false evidence proves the man to have died only worth a certain sum, 200*l.*, 300*l.* or 50*l.*, and the verdict is conclusive, he gets administration, and before it is possible or without there being a possibility of remedying that state of things, he makes away with the whole of the money, and cheats all the others entitled in distribution.

929. *Chairman.*] How would you obviate that by administration in the superior courts?—I am only putting a case in which a person with a fraudulent intent obtains an administration by imposing on the assistant barrister.

930. But does the present system obviate that fraud?—Yes, there are several checks; in the Diocesan Courts, for instance, they cannot grant an administration except the assets are all within the particular diocese. It frequently

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happens that there are attempts made to defraud those courts by obtaining on false swearing a probate or an administration; and in order to obviate that as much as possible, a certain time is established, before which no administration can be issued, or no probate can be issued during that period of time; the parties interested have time to inquire, and there might be guards of that sort imposed as checks upon the precipitate issuing administration in the barrister's court also.

931. Of a similar description?—I was applying myself to the difficulty arising from the uncertainty of the amount of assets giving jurisdiction; it was proposed to remedy that, that there should be a summary trial by jury, and the verdict should be conclusive; but that system would certainly be liable to great infirmities, because if the verdict is conclusive, then, whether false or true, it finally decides the right of the party to the administration; it cannot be made conclusive; it is impossible to do that, because then a party who is discovered the very next day to have no right to this administration, the court having no jurisdiction to grant it to him, and probably he being an impostor, a person who has no right at all to the administration obtains a conclusive grant. These are theoretical objections. I have not applied my mind particularly to the consideration of that subject. Under proper guards and restrictions, it may be very proper that the assistant barrister should have that jurisdiction.

932. *Chairman.*] Does it suggest itself to you that the same guards might be arranged for the assistant barrister's court, or similar guards as those that exist at present in the Diocesan and Prerogative Courts, so as to prevent the frauds which you anticipate?—That question may be properly tested by the consideration of a case where the party dies in a particular diocese, and it may become doubtful whether the jurisdiction belongs to the Prerogative Court or to that particular Diocesan Court; if he dies without assets, without any personal estate out of the diocese in which he dies, then the jurisdiction belongs to that diocese; if he dies possessed of personal estate in any other diocese, then it belongs to the Prerogative. The answer to the case arises often, or has arisen, in which a person has unjustly and fraudulently procured a diocesan administration, and made away with the property before the person who was rightfully entitled to it had time to contest his claim; such cases have arisen; to guard against that, there are only two checks now in practice, and they seem to operate sufficiently; one is, that the person is obliged to make an oath; and secondly, there is a delay takes place of a fortnight in the Diocesan Court of Dublin. No person can obtain any administration to an intestate or probate to a will until a fortnight after the death of the testator or the alleged testator or intestate, and during that time it is considered that other persons interested will have sufficient warning, and will be able, by caveat or otherwise, to prevent the issuing of an administration by surprise; whether that might not be obviated by interposing a similar guard, I do not know; I do not think it would operate sufficiently in all cases, because in the case I put of a diocesan administration, it is a single definite fact—did the man die possessed or not of any personal estate out of the local jurisdiction? But it is a very indefinite and vague question, whether a man died worth 50*l.*, or whatever the amount is, 51*l.* 2*s.* 6*d.*

933. Mr. *Villiers Stuart.*] Supposing the courts were consolidated and held in Dublin, that difficulty would be removed, would it not?—Yes, as to all cases not coming within the jurisdiction of the barrister. There certainly is a palpable difficulty in ascertaining that the case is within the jurisdiction of Mr. Lynch's Act, because it is so vague a fact; if there be any definite amount of property giving jurisdiction, it is a thing next to impossible to ascertain; and it is to be ascertained immediately after the death of the intestate, whether he died worth this sum or that. When you once pronounce that a certain sum is to give jurisdiction, if the property exceeds that sum by one penny, it is out of the letter of the Act.

934. *Chairman.*] You conceive that this difficulty could not be sufficiently answered by having the power of impannelling a jury, and giving a certain time, after the death of the deceased person, to examine into the fact before the barrister?—I think that would be a very wise provision; but still I conceive that the jury could only find upon the evidence of reputation. What could the jury find upon? they could only find upon evidence of reputation; an accurate account could not be taken of the assets, and the only evidence they could have before them would be, what the neighbourhood thought as to his property; or perhaps they might be

be shown bonds or something of that sort; but then the negative proposition, that he had not more than a certain sum, would be very difficult to prove.

935. Mr. *Hamilton.*] Do you see any difficulty in confirming the jurisdiction of the assistant barrister's court in all cases in which, on the finding of a jury, it should happen to be under a certain sum?—I do; I see the greatest; because it is evident the principle of law in that statute is, that it is inexpedient to allow the barrister to determine the right to probate or administration, if the amount of assets exceeds a given sum. For instance, it would be inconvenient and improper if the property amounts to 20,000*l.* or 40,000*l.*, and consequently it would be a serious evil, and so considered by the Legislature, if in such case he did exercise the jurisdiction in point of fact, and that that exercise of jurisdiction was to be definitive and conclusive. It is inconsistent with the principles of the Act.

936. *Chairman.*] There is a system in a consistorial court, entitled technically "personal answers;" will you explain to the Committee what is meant by personal answers, and how far it would be judicious to change that system or not?—I have already mentioned to the Committee that the parties are bound, according to the existing practice of the Ecclesiastical Courts, to plead not only their general legal title, but the specific facts on which they make out their respective claims, in which respect they differ from the courts of common law; and upon these pleas being put in, containing a specification of the facts, it is the right of the party who pleads to require the personal answer on oath of his opponent to each and every of the positions or articles and statements of facts contained in the pleadings. Each party when he pleads has a right to the personal answer of his opponent, so soon as the answer is admitted to proof.

937. And these are entitled "personal answers"?—Yes, personal answers on oath, for which there is a process of a compulsory nature, to oblige the attendance of parties giving answers.

938. What is the objection to this process?—It practically works, in many instances, to swell out unnecessarily the amount of writing in the cause, the amount of written depositions; because it seldom happens that a party is personally cognizant of all the facts stated in his adversary's pleadings; if he is not personally cognizant of the facts, of course he negatives the article, and then the personal answer is totally useless as to that; it generally happens that the personal answer consists of direct negatives to nine-tenths at least of the pleadings; they are directly negatived; and it is quite apparent in most instances that that must be the consequence; consequently all this writing goes for nothing, and the expense of taking out copies and briefing, and all that.

939. Therefore you conceive it would be desirable to abolish this system?—I conceive that there might be substituted for it a system more efficient and less expensive; and that is by preparing personal interrogatories, to be administered to the party to which his answer should be taken on oath; the party who is bound to answer having the privilege of objecting before the judge to such of those interrogatories as were properly objectionable on account of prolixity, impertinence or scandal, and to have the interrogatories then settled before the judge.

940. That is always supposing that the present system should not be altered by taking *vivâ voce* examination?—No, that would be consistent with the new plan.

941. Of *vivâ voce* examination?—Quite so; it might be, perhaps, thought more expedient that the party should be submitted to a personal examination in court; but I should rather think that the system of interrogatories would be better; for, if the party were obliged to submit to a personal examination in open court there would not be the same check upon scandal and impertinence, and those other faults which are usually incident to examinations of that sort. Where the passions of the opposing party were excited, there would not be the same effectual check.

942. Have you been able to direct your attention to the subject of taxation of costs in the Prerogative Court?—I cannot say that my knowledge is very particular with respect to the subject; but I have applied my mind to it in a general way, undoubtedly.

943. Do you conceive it would be useful to alter the present system in some respects, and in what respects?—I think that the taxing officer ought to be a person independent in his circumstances, removed as far as possible from that sort of contagion which is derived from fellowship of practitioners, and from those causes that influence prejudicially the conduct of such an officer; in every way, I think, he should be rendered quite independent; and I think that a system should

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be adopted, as far as possible, to render taxation necessary and inevitable in every case whatever; in point of practice, taxation seldom occurs, either between party and party, or between client and proctor in the Ecclesiastical Court; there must be some prevailing reason for that; if it could be removed, it would be very beneficial.

944. Did it ever strike you that there might be a general court of taxation in which the costs of the different courts in Dublin might be settled by one, two or three officers appointed, who should have a general knowledge of these separate courts, and have a concurrent jurisdiction for the purpose of taxing?—I never did turn my mind to the consideration of that subject; it appears plausible at the outset; but there would be this objection, those officers would certainly be for life, and therefore might acquire knowledge; but they ought to have some practical knowledge of the system in each court.

945. I suggest a person taken from each court having a practical knowledge of the system adopted in each court, a professional person, of course?—I think that system would have this advantage arising from the subdivision of labour, that they would be more expert, having a peculiar province assigned to them, having their attention exclusively directed to it; I am far from saying it might not work well in practice.

946. The suggestion goes to that extent, that the parties should have no professional pursuit independent of their offices as taxing officers?—Yes, that would be necessary if this court were put upon a respectable footing and they were made a sort of judges with the right of determining all questions of taxation in all courts, they would become undoubtedly very expert from continual practice, and I dare say would be a very efficient tribunal.

947. Would it not have this effect, that coming together from different courts, but each man having an experience of some one or two or three courts, that the actual collision of opinion, if I may so say, and the removal at the same time of personal feelings and prejudices, would give the public a fair opportunity of expecting truth from such a tribunal?—Yes, I think it may be generally said that the larger the jurisdiction, the higher any judicial person or personages, and the more respectable you make them, the more efficiently and satisfactorily to the public they would discharge their duty; the larger the sphere is; and therefore I do think a general court of taxation would be on principle a good thing if it could practically be carried into effect, as we see now lately set up a single commissioner in bankruptcy cases; there is no doubt that the respectability of that officer, the footing of independence on which he is placed, will render that court more efficient than it ever was before.

948. Supposing such a court to be instituted, would you recommend persons of high station in their profession to be appointed to these situations?—That would depend in some degree upon the salaries; of course, persons of high station would not take any thing that was not well paid; their professions are too profitable to them to be given up except for considerable salaries.

949. The question presupposes the officer to be amply remunerated for the loss of his professional emoluments?—I should say that the best way in which that court could be filled would be to put professional persons into it of high character and respectability, whose moral reputation was unblemished, and who had a competent knowledge of their professional duties.

950. Are you aware that there is a great complaint of the expenses of the courts we are now examining into?—I know very well that there have been many loud complaints of the expenses; I am staggered by instances. I hear of particular cases, but at the same time I certainly do not think that either the system of the Prerogative Court, or the character of the majority of individuals who are now the practitioners of the court, would lead me to expect *à priori* a wanton or unnecessary waste of the suitors' money; but I was staggered when I heard the particular instances. I conceive nothing can be more respectable, in a professional point of view, than the majority of the gentlemen who practise as proctors in the Prerogative Court in Dublin.

951. The question does not presuppose any impropriety or dishonesty in the practitioners of the court; it rather applies to the general system, the ancient practice?—I have specified some cases of expense in that court; all the preliminary stages of a suit in the Prerogative Court are calculated on a principle of cautious preparation, the object being to bring the cause to a hearing before the judge instructed with full evidence and proof, so to prevent, as far as lies within human

possibility

possibility, the chance of error or surprise; and, consequently, there are heavy expenses incurred in bringing the case forward in that perfect state. Contradistinguished to that practice is the practice in the common law courts; they hurry to trial, looking to the chance of remedying error and mistake and surprise by subsequent trials, and a re-examination of the same case; so that in every case of a complicated nature tried by a jury, there is almost inevitably more or less error; in all complicated cases it is almost inevitable. Error is scarcely incident to the decisions of the Ecclesiastical Judges; but there are those two counterbalancing evils of cost and delay; it is of rare occurrence that the Ecclesiastical Judge either does or can go wrong, but that is purchased by a great outlay in the preliminary stage. In common law proceedings, the costs are chiefly incurred at and after the trial.

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952. Mr. *Villiers Stuart*] You alluded, in a former part of your evidence, to the abuse in the right of appeal in the Ecclesiastical Court; could you suggest some check to this system which would not trench too much on the right which could not be dispensed with?—I should think if cases were decided on the *vivâ voce* examination of witnesses, a good deal of what gives rise to appeals from interlocutory orders will cease to have existence; a good many causes of appeal will be cut off, because the preliminary proceeding to trial will be much abridged, or ought to be much abridged, by the new system; and then, as the whole case will come on for trial at once, or as nearly as possible, so there can be only one general appeal; but hitherto the preliminary stages of the cause were more numerous than is agreeable to the practice of the common law courts, and in every one of these stages there was some point or other at which the party might appeal if he were litigiously disposed; but I could suggest many methods, if the system is continued as it is at present, for abridging the opportunities or diminishing the number of occasions for appeals from grievances. I must at the same time say this, that although that is, doubtless, theoretically, a vice in the system, yet practically, under Dr. Radcliffe, it was a very rare occurrence to appeal, except from the definitive sentence; nor was it the case that there were many such appeals in the time of Dr. Duignan.

953. At the same time, supposing the system of *vivâ voce* examination were not introduced, what check would you suggest?—There is one very obvious one wherein the practice of the Admiralty Court differs from the Prerogative; that the party cannot appeal in the Admiralty Court from any interlocutory order or decision of the judge before final sentence, except in what are called cases of irremediable grievances; that is to say, where the rule made would operate entirely to destroy the chief interest of the party in the suit; where the decision, if unjust, would operate to destroy the main or primary interest of the party in the cause; in that case, which is called an irremediable grievance, he has an appeal from the Admiralty Court. In the Prerogative Court, every decision of the judge, with very few exceptions, is made the subject-matter of an appeal, and I should say it would be an improvement in practice that the appeal should only be from irremediable grievances.

Mercurii, 7 die Junii, 1837.

MEMBERS PRESENT.

Mr. West.	Mr. Villier Stuart.
Mr. Hamilton.	Mr. Lucas.

MR. WINSTON BARRON IN THE CHAIR.

Mr. *Thomas Arthur Sheane*, called in; and Examined.

954. *Chairman.*] WHAT are you?—I am connected with the legal profession, having served my apprenticeship to the late Mr. Joseph Minchin, a solicitor, in Dublin.

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955. Have you had any connexion with, or business in, the Ecclesiastical Courts in Ireland?—I have a knowledge of the practice, from having been interested in a cause, instituted and pending there for the last three years, and from frequent attendance at those courts.

956. In which of the courts?—The Consistorial.

957. Have you had any thing to do with the Prerogative Court?—Frequently, whilst

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whilst apprentice to Mr. Minchin, in procuring administrations and probates of wills for his clients, and in raising representatives for the purposes of suits in equity; I have frequently been present in court when causes were going forward.

958. Have you turned your attention to the practice and business of these courts?—Considerably so.

959. Have you found great difficulties in transacting business there, and delays and difficulties as to getting business done quickly?—From the practice of the court, it necessarily involves delays, difficulties and expense; by expense, I mean additional expense, in comparison with other courts.

960. The first process is called citation in these courts?—Yes, citation to bring parties in matrimonial suits before the court, or in the Prerogative, for the purpose of bringing in wills, raising representatives to deceased persons.

961. This process is called citation?—Yes; the same as subpœnas, or writs, in other courts, to bring parties before it.

962. In these courts, how many times is it necessary to have the citation served?—For the purpose of proceeding, as it is called, *in pain*, three citations are necessary; the original citation, citation *viis et modis*, and citation to all effects, upon the return of which last the promovent is permitted to libel *in pain*, the impugnant being pronounced contumacious.

963. Does it strike you that these three citations are necessary to force a party to come in and appear before the court?—I do not think it at all necessary, as one citation properly served should be held sufficient, as a subpœna in the Court of Chancery or Exchequer is held sufficient for the purpose of entering up process without the service of a further process on the party.

964. What remedy, then, would you propose to prevent the delay and expense caused by this multiplication of citation?—That the court, within a limited time, if the party neglected to appear, should proceed at once in pain with the cause, analogous to the proceedings in the Court of Chancery, where, after the lapse of three months from the time of appearance, a notice can be served to take the bill filed as confessed; an intermediate monthly notice being served apprising the defendant of that fact at the expiration of two months from the appearance of a defendant, or from the time of a parliamentary appearance being entered for him by plaintiff; in case he neglects to do so himself, then a notice is served on the defendant, requiring his answer within a month, or the plaintiff will proceed to have the bill taken as confessed. The Court of Exchequer, when the party does not appear, or when he appears and does not answer plaintiff's bill, process runs on to sequestration, and then the cause is heard upon sequestration upon this process without serving any intermediate notice or order upon the defendant himself, which generally occupies about the same space, three months; the order for hearing on sequestration is served on defendant's attorney, in case the defendant has appeared but not answered.

965. Does any other observation suggest itself to you in the way of improvement on the question of citations?—Yes; in the Court of Prerogative there is a great practical difficulty in having the affidavit of service of citation made and returned to the court, for want of commissioners to take those affidavits in the country; and in many instances persons serving citations have been obliged to come to Dublin to make those affidavits before the judge of the Prerogative Court, or to proceed to a diocesan court, frequently 40 miles distant, to make those affidavits and procure a return from the vicar-general or surrogate of that court as to the due execution of the citation. This practice is productive of very considerable expense and inconvenience. If the Prerogative Court appointed permanent commissioners throughout the country, at convenient distances, similar to commissioners of the Court of Chancery for taking affidavits, it would greatly facilitate the proceedings and lessen the expense. The fee generally charged for making the affidavit and the return, by the vicar-general or surrogate, is 1 *l.*; the fee charged for swearing an affidavit of service for the Court of Chancery is 2*s.* 6*d.*; the expense of travelling to those officers to swear affidavits for the Prerogative Court should be added, and in many cases the person has to travel a great distance. I have known persons serving citations brought 60 miles to Dublin for the purpose of making affidavits of service. The appointment of permanent commissioners would be a material service and saving of expense, in having persons obtaining probate and letters of administration sworn before them, instead of having a commission issued to a clergyman for that purpose in each case, which involves a cost of the commission of very nearly 3 *l.*, exclusive

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of the fee of a guinea generally paid to a clergyman upon the execution of such commission.

966. Upon the question of citation is there any other point that occurs to you?—I think, instead of the present practice of having a citation served three days before the day of return named in it, that it might be served up to the day of return, giving the party served a reasonable number of days after service of citation to appear, as is the practice in both courts of law and equity. I should observe, that I have mentioned the subject of permanent commissioners for taking affidavits of service of the citations to one or two proctors, and they have approved of it.

967. Will you now direct the attention of the Committee to the subject of pleadings, and what is the consequence, in your mind, of the present system of pleadings in this court?—Having been interested in the cause of Cooper *v.* Cooper, now pending in the Consistorial Court, my attention was called to the system of pleading adopted, and the contrast it presented to that of pleadings in the Court of Equity, inasmuch as the parties do not put out the whole of their case upon the record, which necessarily involves additional pleadings and very great expense.

968. What do you understand by not putting forward the whole of their case?—The whole of the facts which they conceive necessary in support of the case, or for the defence; they do not generally put the whole facts in issue in the first instance.

969. Does the practice of the court then permit them to give a new statement, and thereby create new pleadings?—To give additional facts in support of the case of either the promovent or impugnant, further allegations or further articles.

970. Am I to understand by this, that the parties wilfully withhold a portion of their case, in order to bring it forward in what is called additional articles?—The immediate cause of their conduct I will not pretend to say; the parties can do so; the party can keep a part of their case and allege it at a future period.

971. Will the witness please to state, as clearly as possible, how this provokes or causes additional costs and delays?—In the cause of Cooper *v.* Cooper, to which I have before alluded, the promovent filed her libel in pain, though impugnant, after having waited a considerable time, and allowed the production of witnesses, came in and excepted to the jurisdiction of the court, by a pleading to which the promovent was obliged to file a replication; this part of the case having been heard on affidavit, and the judge having decreed the impugnant to be within the jurisdiction, the impugnant then filed his peremptory exceptions to the libel, alleging part of his case; to these pleadings the promovent filed her replication, and the parties proceeded to examine their witnesses; when the promovent's witnesses were examined, and the first, second and third terms probatory had lapsed, then the conditional order for publication was applied for, but, as I believe, for the purpose of delay, impugnant's proctors applied for the personal answer of the promovent, thereby making the proceedings in this court partake of the nature of a court of law and a court of equity.

972. What is meant by the law term, "terms probatory," which you just made use of?—That is a term used in the Ecclesiastical Courts for rules antecedent to the obtaining the rule, or the conditional order for publication; there is no such rule known in the Courts of Equity; these terms must lapse before the conditional order for publication is obtained; after the personal answer had been filed, the impugnant then applied to the court and obtained liberty to file additional articles, by which he set forth an additional cause of defence, all of which was within his knowledge at the time of his filing his original exceptions; on these pleadings the promovent was also obliged to join issue, which she did by contesting it negatively, which she had a right to do by the rules of the court, without filing any additional pleadings; she might, had she been so advised, have filed an additional pleading to it; all the terms probatory which had previously lapsed, and the conditional rule for publication, were, by the filing of these pleadings, rendered nugatory, as witnesses had to be and were produced in support of this additional pleading; the terms probatory again lapsed, and a conditional rule for publication was obtained, when impugnant's proctors called for the personal answer of the promovent to these additional articles, which caused considerable additional delay and expense; I should observe, that I believe those personal answers were called for solely for the purpose of delay, and I believe copies of them were never taken out by the parties having required them.

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973. How would the witness prevent this unnecessary multiplication of answers and of pleadings?—By a similar practice to that of the Court of Chancery and Exchequer in Ireland, or in both countries, that the bill should set out the whole of the plaintiff's case, and the answer the defence; and when issue joined upon it, that no further pleadings, containing matter within the knowledge of the party at the time of filing their original pleadings, should be permitted to be filed without the permission of the court, such permission to be obtained on special application, grounded on such evidence as the court should deem satisfactory. There is no proceeding in the Ecclesiastical Courts analogous to bills of revivor in the courts of equity, as the cause proceeds upon the death of parties generally, without any revival; and, besides, generally there are only the parties promovent and impugnant concerned in causes in Ecclesiastical Courts, the interests of collateral parties not being generally brought before the court, by making them parties to the proceedings, as is the custom in the courts of equity. For instance, trustees in deeds and executors named in wills very generally possess the same character and stand in the same relative situation with regard to the property vested in them. If a bill is filed in a court of equity, all parties interested in the deed creating the trusts and vesting the property in the trustee must be brought before the court to make it a perfect proceeding; whereas in a suit in the Ecclesiastical Court, instituted to prove a will, the individual proceeding to prove it and the caveator are the only parties necessary in such suit, and are the only parties before the court in the suit, although the devizees in the will may be the real parties interested in the property. I should observe, that parties interested may come in as intervenients, and take a part in the proceedings; but for the purpose of the suit it is not absolutely necessary that they should be parties.

974. The witness proposes that all parties interested should be cited to appear by their proctors or attornies before the court, if I understand him rightly?—I conceive it would be a great improvement, with regard to the validity of wills, that all parties, having either a direct or contingent interest, should be cited.

975. With regard to the examination of witnesses to pleadings, has it occurred to the witness that any practical injury has arisen from the present system?—Yes, in my opinion, it is not a good mode of eliciting truth, or rather, the whole truth, for this reason: in the cause of Cooper *v.* Cooper, a witness friendly to the impugnant, was produced by the promovent, and in his examination to one of the articles in the libel, he evaded giving direct answers to the facts stated, by saying, that he heard and believed them, although those facts were within his own direct knowledge. This description of answer would be insufficient to support the case.

976. Am I to understand from the witness, that an answer is permitted in this court which would not be permitted in other courts of law or equity?—It is the being examined to pleadings instead of interrogatories, an answer of this description can be given, which could not be given if examined to interrogatories. I should observe, that the pleadings merely state a fact, to which a witness may merely say, that he heard and believed the fact stated, although it was within his actual knowledge, and could have given direct evidence to it; whereas, if examined upon an interrogatory, according to the practice adopted in courts of equity, he should set out the cause and reason of his knowledge, by which means he could not suppress his own actual knowledge, which would have the effect of making it sufficient evidence.

977. The improvement then that the witness suggests would be, to have all witnesses in this court examined upon interrogatories?—Yes, upon interrogatories, both direct and cross; they are cross-examined upon interrogatories.

978. Does it suggest itself to the witness, that a *vivâ voce* examination would be a preferable mode, where that can be obtained?—Certainly; if the court could be assisted by a jury on matters of fact, it would be a very great improvement; and I believe it is the opinion generally entertained by professional persons.

979. Mr. *West.*] But with or without the assistance of a jury?—I think with or without; but particularly with the assistance of a jury as to matters of fact.

980. There are cases where the assistance of a jury would not be absolutely necessary?—I think the calling in a jury should be discretionary with the court, to a great extent.

981. At present matters of fact are ascertained by this imperfect mode you spoke

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spoke of; but supposing the jurisdiction to remain as it is, as to the decision upon those matters of fact, do not you conceive that a *vivâ voce* examination would be still preferable to the examination in the mode in which it is at present conducted?—Most decidedly; a decided improvement, both the mode and manner of the witness giving evidence, can be observed by the court, who has to pronounce upon the fact stated by the witness, which there is no means of observing at present.

982. *Chairman.*] Has the witness had any opportunity of consulting with parties interested in the practice of these courts on that particular point?—I have.

983. Either proctors or advocates?—With one proctor certainly, and a great many other legal persons; and their decided opinion is, that a *vivâ voce* examination would be of advantage to the public.

984. And would it be likely to curtail the expense and delays of the court?—Certainly; and further the ends of justice.

985. Can the witness give any fact in illustration of his opinion on this point, of the examination of witnesses by interrogatories?—I can; in the before-mentioned cause of Cooper *v.* Cooper, two witnesses were examined by the impugnant to articles of his exception, and it appears that they stated that a marriage had been celebrated between the impugnant and a Miss Clutterbuck, by the Rev. Joseph Wood; but when cross-examined by the promovent, they admitted that they never saw this person whom they identified as the Rev. Mr. Wood, before or after the occasion upon which he was alleged to have performed that ceremony. It is therefore apparent, that if these witnesses had not been cross-examined, the fact of the marriage being celebrated by the Rev. Joseph Wood, or by a person named and identified by them as the Rev. Joseph Wood, could not be doubted; but the cross-examination shows they had no means of knowing who the individual was who performed the ceremony. My opinion is, that a willing witness or a friendly witness, by being examined to pleadings instead of interrogatories, may give direct evidence in support of a case not warranted by his actual knowledge; and on the contrary, that an unwilling witness may, by adding the words "heard and believed," render his evidence altogether useless. Neither of these state of facts would be likely to occur if witnesses were examined upon interrogatories; besides interrogatories are pointed to the matters in issue, and do not go into the entire facts stated in the pleading, many of which may be immaterial to the issue. Examination upon interrogatories would also render the evidence concise and pointed to the matters in issue.

986. Has the witness ever turned his attention to the rules of court as at present established?—I have.

987. Does he consider those rules to be advantageous to the public or otherwise?—Quite the contrary.

988. In what respect are they disadvantageous?—That the greater number of the rules are altogether unnecessary, and create considerable expense.

989. Am I to understand from the witness that there are a great number of rules more in these courts than in other law or equity courts?—Decidedly.

990. How is it that that practice has originated, or what is the natural consequence of it?—The natural consequence is, the rules are continued from court-day to court-day; whereas, in courts of law and courts of equity, rules are only entered when real matters of business are to be performed. In the cause of Cooper *v.* Cooper, the original citation in the cause was returned on the 12th April 1834. Proxy exhibited, and appearance of impugnant expected, *in prox*, that is, next court-day; on the 15th, a rule of the appearance of the impugnant was expected to this day; and between that day and the 7th of June there were no less than 14 rules of that description entered, upon each of which I understood the proctors and registrar to be entitled to fees.

991. Has the witness any opportunity of knowing whether the fees were actually charged in this case for all these rules?—The costs are not yet furnished in this cause; on the 7th of June a citation *viis et modis* was decreed, grounded upon an affidavit made by the promovent, which citation was returned on the 21st of June; but in the intermediate time, three rules, similar to the former, that is, of appearance of impugnant expected *in prox* was entered. And in this cause of Cooper *v.* Cooper, I am aware that parties employed on behalf of and concerned for the impugnant, though not appearing for him, watched the proceedings, and upon applications by promovent's proctor to have the several

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citations returned, appeared in the character of an *amicus curiæ*, with the view of preventing their being returned; and that, in point of fact, it had the effect of retarding the progress of the cause very considerably; and, in fact, the judge has, upon occasion of such interference, required to know for whom such parties were concerned, having a strong suspicion, as I believe, that they were actually concerned for the impugnant; but they declined stating that they were so, and merely represented themselves as *amicus curiæ*. I am also perfectly aware that the judge did every thing in his power that a judge should do to have the cause proceeded with; but from the nature and constitution of the court, it could not be done with that effect as in other courts which are placed upon a better foundation.

992. Have you turned your attention to the principal causes of delay in this court?—Yes, I have illustrated them by these citations, rules, and by the system of pleading which I before alluded to.

993. Does any other point occur to you that causes delay?—I think I have mentioned them generally, that is, the practice of pleading and requiring personal answers, and these rules beginning *de novo*, with regard to passing publication.

994. Does any point occur to you on the question of personal answers?—Decidedly; I think that if a personal answer is required, it should be called for in the first instance, and not protracted till after witnesses have been examined.

995. What would the effect of this be?—The effect of it would be, that when publication were about to pass, the party could not further retard the progress of the cause by then calling for the personal answer.

996. Now, as to the costs of motions, when the parties succeed, what is the practice with regard to costs; is it analogous to that of other courts?—It is, as to their being within the discretion of the court; but the practice of enforcing costs from the unsuccessful party has not been so strictly enforced as it is in courts of law and equity.

997. Is not this a great practical grievance to suitors sometimes?—Certainly; in other courts of law and equity, it is the habit, before parties are allowed to appear, after having had process against them, to make the payment of costs part of the terms of their being then permitted to appear and defend themselves. I should state, perhaps, that this observation applies merely to the cause of Cooper *v.* Cooper, as I do not like to make it a general statement.

998. The Committee wish you to direct your attention to the costs of depositions, pleadings and exhibits, and to know from you whether these are equitable, or consistent with the practice of other courts?—Certainly not. In courts of equity the parties each take out a copy of the other's pleadings, and are not obliged to do so a second time, the examination of witnesses being upon interrogatories; exhibits or documents put in issue, are generally annexed to pleadings in Ecclesiastical Courts, by which the costs of copies are increased, because the exhibits must be also copied with the pleading; a document referred to by a pleading in a court of equity is stated in the pleadings, and afterwards proved by interrogatories, and consequently no costs of copying it, or paying for an attested copy, are incurred; but here, when publication passes, both parties are obliged to take out an entire copy of the pleadings, exhibits, interrogatories and depositions, by which means the pleadings and exhibits are paid for three times, and the interrogatories and depositions twice, each party being obliged to take out, before they proceed to hearing, a copy of the entire; the costs of exhibits frequently amount to a considerable sum; I should state, I was present in the Prerogative Court on a recent occasion, when several printed books were delivered in with the pleading as exhibits, but the case appeared so monstrous, that, upon the application of the opposite proctor, the court directed that those books should not be copied or charged to him upon taking out a copy of the pleading filed; I merely mention this as an illustration of the practice of annexing exhibits to pleadings; these books were exhibited in a cause in which parties of the names of Risk and Baird were concerned.

999. As to the costs of depositions, has the witness stated his opinions on that particular point to the full extent?—Certainly not.

1000. Then be pleased to give the further information to the Committee upon that point?—There is a fee of a guinea paid on the direct as well as on the cross-examination of each witness, even though his deposition were of the shortest nature;

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nature; but if it exceeds a certain quantity, I believe 16 sheets, a further fee of a guinea is charged; and in the cause of Cooper *v.* Cooper, a second fee had to be paid for the same witness, his re-examination being necessary, caused by filing the additional pleadings, and which could have been avoided if no additional pleading had been filed; this frequently exceeds that charged by examiners in the courts of equity, the fee being, as I recollect, only 2 *s.* 6 *d.* in the Court of Chancery. I should observe, that I believe the examiners in the Court of Chancery have salaries, but the examiners in the Prerogative and Consistoral Courts have none.

1001. Has it occurred to you, that any considerable delay has arisen in the Consistorial Court, with regard to the examination of witnesses, from the absence of the examiner or otherwise?—It has occurred to me, that there being but one examiner, that is, the deputy registrar belonging to this court, the parties may be considerably retarded; and, in the cause of Cooper *v.* Cooper, the examiner was upon one occasion for a considerable time absent in Scotland, on a commission, whereby promovent could not proceed to examine her witnesses in that cause; and I think that Dublin should never be left without the presence of an examiner, or that, in cases of commissions, what are called commissioner examiners should be appointed, as is the practice in courts of equity, such commission examiner to be approved of and appointed by the court. And I further conceive, that persons in the neighbourhood of the place where the examinations were to be had, might be appointed, by which means an enormous expense would be saved to the parties in day fees, and travelling expenses. This practice has been also adopted in the Court of Chancery, with, I believe, very beneficial effects; and I do conceive that many competent persons, such as solicitors and attornies residing in the country, could be had who would discharge the duties faithfully and correctly, as they do at present, under proceedings in courts of equity.

1002. As to the costs of examination of witnesses on direct and cross interrogations, how are the fees to the examiner at present measured; is it by the length of the examination?—When a commissioner examiner in the Prerogative and Consistorial Courts goes into the country, he is paid at a certain rate *per diem*, and a certain rate *per diem* for travelling, measured by the distance.

1003. Does not this naturally tend to prolong the evidence and examination of witnesses, the examiners being paid *per diem*?—In practice, I do not think it has; when the examiners commence the examination of witnesses, I believe they go through it with all degree of fairness and despatch.

1004. But it gives the power to the examiner clearly to prolong the examination, should he so wish?—It certainly does, to proceed slowly with the examination of witnesses; but I believe an instance of the kind has never occurred, nor have I ever heard of it; with respect to Mr. Samuels, the deputy registrar and examiner of the Consistorial Court, I have known him to put himself to considerable inconvenience for the convenience of parties in the examination of witnesses, and, so far as he is concerned, no objection can be made to his doing his duty as examiner; he is a most obliging and pains-taking officer.

1005. On the whole, do you conceive it would be more judicious to have the examiners paid a yearly salary, rather than being paid by the day?—Most decidedly; no officer should be paid by fees, in my opinion.

1006. With regard to the rules, do you conceive it would be benefical to the public to have them assimilated to those of the Chancery and Exchequer, and in what respect?—Most decidedly; rules similar in their nature to rules to plead and rules for judgment in the law courts, and a great variety of what are called side-bar rules in the courts of equity in Ireland, obtained by the attorney or solicitor in the offices without special application to the court, and upon which they are entitled to certain defined fees, would, I believe, if adopted by the Ecclesiastical Courts in Ireland, be of considerable advantage to the public, and greatly facilitate proceedings, as parties would then be obliged to comply with the terms of those rules, unless cause shown to the contrary within the time limited by such rules, all rules at present in Ecclesiastical Courts being obtained in open court.

1007. Do you think it advisable that process from the Consistorial Court should extend to all Ireland?—Certainly, if that court had cognizance of matters extending over Ireland, and which, I think, should be the case in matrimonial suits, they requiring a judge competent as the judge of the Prerogative and Consistorial

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sistorial Courts must be, in my opinion, for that purpose; the vicars-general of the diocesan courts not having, as I believe, in general, sufficient knowledge.

1008. Did it ever occur to you that a consolidation of the diocesan courts in Dublin would be desirable?—As to certain matters, such as matrimonial suits, and suits of importance, requiring the ability and talent of an able judge.

1009. Are you aware that their business in other matters, at the present moment, is very limited indeed?—Very inconsiderable, in consequence of the passing of the Tithe Composition Act, principally.

1010. Perhaps another cause of the diminution of causes in these courts is, the bad repute which they have got into?—I think parties, in consequence of the expense and uncertainty, are extremely unwilling to proceed in the diocesan courts, and, indeed, in all Ecclesiastical Courts.

1011. Do you think an improvement could take place in the citations for testimony in these courts?—Most decidedly.

1012. In what respect?—The present practice is to issue a citation for the attendance of the party, which is only returnable in term time, and therefore, if the witness is unwilling to attend, he may avoid doing so during the vacations; the consequence of which is, that causes may be greatly protracted. All Ecclesiastical Courts should, as I think, possess the power of compelling at all times (whether in term or vacation) the attendance of witnesses, and that the witness should not have it in his power, unless prevented by unavoidable necessity, to delay or postpone such attendance; and that in cases of wilful neglect the court should be armed with power to punish the party; and that, in fact, the attendance of witnesses in Ecclesiastical Courts should be placed on a similar footing to those of the courts of law and equity.

1013. Are you aware of any difference in the cost of briefing between these courts and the courts of law and equity in Ireland?—Yes.

1014. State them to the Committee?—The cost of a draft brief in the Court of Chancery in Ireland is at the rate of 3*s.* 4*d.*. late currency, for every skin, that is 15 office sheets of 72 words; whereas the cost of a draft brief in the Ecclesiastical Courts is 3*s.* 4*d.* for five office sheets of 90 words, giving in the Courts of Chancery 1,080 words and in the Ecclesiastical Courts, for the same money, only 450. I should observe that in the equity side of the Court of Exchequer, 3*s.* 4*d.* per sheet for about the same quantity of matter as in the Ecclesiastical Courts is allowed for draft briefs; and the same fee for draft briefs of pleadings is allowed in all the courts of law; this fee only applies to what is called original matter, that is, bills, answers and depositions in courts of equity, and declarations and other pleadings in courts of law; but for the briefing documents, such as deeds, wills, &c. there is no draft brief allowed in courts of law or in the Court of Chancery; but I believe the charge for draft briefs in the Ecclesiastical Courts extends to the entire brief, no matter of what it may be composed, whether original matter or copy of documents.

Sabbati, 10° die Junii, 1837.

MEMBERS PRESENT.

Mr. Lynch.	Mr. French.
Mr. O'Connell.	Mr. West.
Mr. M. J. O'Connell.	

MR. WINSTON BARRON IN THE CHAIR.

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Mr. *Thomas Arthur Sheane*, called in; and further Examined.

1015. *Chairman.*] ARE you aware what is the custom with regard to what is called in the common law and equity courts "term fees;" and whether any similar practice exists in the Ecclesiastical Courts?—Term fees are allowed in the courts of law and equity in Ireland to attornies and solicitors, no such fee exists in the Ecclesiastical Courts; the term fees are given in lieu of fees for particular acts, such as filing pleadings and affidavits whilst Causes subsist, for which in courts of law and equity no fee is allowed to attornies and solicitors, that

that is for this particular act of filing an affidavit or filing a bill or answer, but in the Ecclesiastical Courts they have a separate fee upon every act.

1016. Do you conceive that this practice is objectionable?—Certainly, inasmuch as it increases expense unnecessarily.

1017. What would be the advantage of this course that you recommend to the suitors?—That all the separate fees on filing affidavits and pleadings, and merely formal business in the court would be saved to the suitor.

1018. Are you aware of any objection to this course?—None whatever; on the contrary, I think it would be a great advantage.

1019. Are you aware that it is the custom to charge clerk's fees in addition to the charge of 10*d.* per sheet for different proceedings in the Consistorial Court?—I now hold in my hand attested copies of two affidavits in the Consistorial Court, on each of which is marked the fees at the rate of 10*d.* a sheet, and in addition there is a fee of 1*s.* 1*d.* marked on each for clerks; the affidavits contain six office sheets each, the charge is 5*s.* and 1*s.* 1*d.* for clerks.

1020. Is not this contrary to the rules that have been adopted and sanctioned by the judge?—I believe that this is an excess in those cases.

1021. How does it happen that the fee then is submitted to by practitioners, are you aware?—I am not aware; I believe they usually pay the fee marked by the officer without disputing it.

1022. Who is it that regulates this matter in the court?—The registrar of each court; they are the persons who make the charge, and are afterwards the taxing officers; the judge of both courts has the ultimate power of regulating the taxation; there is an appeal to him, but the registrars are the taxing officers in the first instance.

1023. In the Prerogative Court has any attested copy come before you where the charge appears to be more than that laid down by the judge in that court?—Yes, there is one in the cause of Brereton *v.* Corboy.

1024. What was the charge made in that instance?—The fee marked on the back of the document appears to be 7*s.* 5*d.*; the document contains only three office sheets, which would at the usual rate be only 2*s.* 6*d.*; probably there might have been in this bulk sum a charge for search, but it is put in bulk, and there is no specification of how it is composed.

1025. It appears that this charge, whether right or wrong, is made at least irregularly on the face of it?—Evidently so.

1026. Is the facility given to appeals in this court greater from your own general knowledge than the facility given in other courts?—Yes, there being no deposit made in order to bring an appeal from the decisions of those courts, as there is in the Court of Chancery, where a deposit is made before an appeal can be made from an order of the Master of the Rolls; this deposit greatly tends, I believe, to prevent vexatious appeals.

1027. Do you consider that a new Court of Appeal from the present Ecclesiastical Courts would be beneficial?—Yes; I think that if an appeal to the Court of Exchequer Chamber, which sits periodically when it is necessary to have business brought before it, was adopted instead of the Court of Delegates, it would be of great advantage, and save considerable costs which are now incurred in having a commission issued to the Court of Delegates for each particular case.

1028. The number of appeals, you apprehend, would be greatly diminished by this change?—Yes, making a deposit in the first instance, or giving security, would tend to prevent vexatious appeals; I should observe, that the judge of the Prerogative Court should at all times be a member of the court of appeal, whatever it might be.

1029. Mr. *West.*] What is your opinion with respect to the present constitution of the Court of Appeal as far as the masters in Chancery are concerned; do you consider that bringing the master in Chancery into that Court of Appeal, is advantageous or not?—Quite disadvantageous in reference to their duties as masters, for they are very frequently obliged to leave their offices for the greater part of the day, and the business is adjourned, which is a great practical evil.

1030. Do you consider that the masters in Chancery, from the nature of their duties as masters in Chancery, are fit and proper persons to be constituted as judges in an appeal from the Ecclesiastical Court?—I think their entire habits and practice being so different it must render it very difficult for them to give a satisfactory judgment in matters of Ecclesiastical law.

1031. You stated that, by the practice of the Ecclesiastical Court, the pro-

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movent is at liberty to state only a part of his case originally in a libel; is that so?—Yes; they need not give the entire facts.

1032. Do you mean to say this, that the promovent is not bound in the first instance to state such a case as will entitle him completely to relief, supposing that case admitted by the impugnant?—He must state a case to entitle him to relief.

1033. You are aware that in a declaration in a court of law, or in a bill in a court of equity, if a complete case is not stated, the defendant may demur to that case?—Certainly, if apparent on the pleadings.

1034. Is it not the same thing in the Ecclesiastical Court, though the form of taking advantage of the defect may not be the same?—I do not think it has the same practical effect upon the suitors in courts of equity; if the case stated by a plaintiff is fully met by the defendant he is rarely permitted to amend his hand and make a further case; but in the Ecclesiastical Courts, after promovent's pleading is answered and after issue joined, witnesses examined and publication about to pass, he may then file other articles putting matter within his knowledge at the time of filing his original pleading in issue.

1035. Are you not aware of this, that an amended bill, which is the proceeding you refer to in a court of equity, which I conceive to be analogous to those additional articles in the Ecclesiastical Court, most generally contains matter that was within the knowledge of the plaintiff at the time he filed the original bill?—Yes, but this amended bill, as a matter of course, is not allowed to be filed except within a limited time after answer filed, and if afterwards, upon special application to the court as to material matters, and those amendments are upon matters generally suggested by the answer.

1036. But is it not the fact that the matter of an amended bill is generally suggested by the answer of the defendant himself?—Very frequently.

1037. If the additional articles suggested a totally different case from the original libel, is there any mode by which the impugnant can take advantage, by exception or otherwise, in the Ecclesiastical Court?—I am not sufficiently aware of the practice of the court to answer that question, but I believe the pleading can be objected to by notice and brought before the judge on motion.

1038. You suggested as an improvement in this court, that the court should have the same power as a court of equity in having all parties before it who were interested in any suits connected with the establishment of wills?—I did.

1039. Are you aware that the Ecclesiastical Court has no power whatsoever over the real property devised by the will?—Yes, I am.

1040. Do you mean to suggest that the Ecclesiastical Court should have that power as regards the effect of the instrument, upon real property as well as personal?—Certainly not; I mean merely as to the validity and due execution of the instrument, that this court should have the power of pronouncing upon its due execution.

1041. Are you not aware that that is precisely the effect of the power which the Ecclesiastical Court has at this moment, that as far as concerns personal property the Ecclesiastical Court possesses the sole and exclusive power of establishing the will?—Yes; but the Will may be afterwards contested in a court of law or equity.

1042. Do you mean to say that the proof of the will in the Ecclesiastical Court, as far as personal property is concerned, can be contested in a court of law or a court of equity?—I believe that although probate may be granted of a will, yet that upon trial in a court of law or in a court of equity, the validity and due execution of such will may be contested.

1043. And that in cases concerning personal property merely?—I am not personally aware of such a case.

1044. The Ecclesiastical Court having no power over the real estate of the testator, can you consider it practicable to make all persons who are interested in the will parties in a suit in the Ecclesiastical Court?—I think that to a great extent it can, and that at all events the parties deriving real property under a will should have some tribunal by which they could perpetuate testimony and prove its validity; and besides it would save considerable expense in proof of the execution of wills, in proceedings in courts of law and equity, if in the first instance its validity was pronounced upon by this court.

1045. Are you not aware that the proof of wills, in most instances, is for the

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the purpose of obtaining administration where no dispute exists between the parties?—In the vast majority of cases.

1046. Then what practical benefit do you consider would arise from bringing before the court, in cases of that sort, all the parties who may be interested with respect to real property or otherwise under that will?—It is only in cases where a will was disputed that I suggested that all parties should be brought before the court and the validity tried, and not in ordinary cases.

1047. Take the instance of a disputed will; is it your suggestion that the heir-at-law should be brought before the Ecclesiastical Court?—Yes, if the will deprived him of property to which by the law he would be entitled in case no will existed, and also all devisees either taking direct or contingent interests under the will.

1048. You have stated that you are aware that the Ecclesiastical Court has no power of pronouncing any decree affecting the real property of the testator?—Yes.

1049. Then what advantage do you suggest is gained by the heir-at-law in being put to the expense of being made a party in the suit in the Ecclesiastical Court, where he can have no decree in his favour of any sort?—What I mean to convey is, that the will should not be absolutely proved without notice to him; and it is for the purpose of notice, not in order to subject him to the costs and expenses, but that the will should not be proved behind his back.

1050. Are you not aware that the proof of the will behind his back, at present, does not affect him in the slightest degree?—Certainly not, if he means to contest it in another court.

1051. Whether he does or not?—The obtaining of the probate does not affect his rights.

1052. Supposing the case of an ejectment for real property devised by will, and the question is whether the plaintiff is the heir-at-law or not, do you conceive that proof of the will made according to your suggestion in the Ecclesiastical Court ought to bind the parties?—Yes, as to the validity of the instrument itself, if so decided upon by the Ecclesiastical Court.

1053. That is, supposing the plaintiff in that ejectment to have been a party to the proceeding in the Ecclesiastical Court?—Yes; that he should not have afterwards the power of contesting the same instrument.

1054. Supposing this case, that the plaintiff who was a party to the proof of the will in the Ecclesiastical Court turned out not to be the heir-at-law, but was himself challenged by the real heir-at-law, who was not a party in the Ecclesiastical Court, would you hold him bound by the decision of the court respecting the will?—Certainly not; no person that was not a party and privy to the original decision.

1055. Do you see now the extreme difficulty, if not the impracticability of discovering all the persons who should be parties to the proof of that will in the Ecclesiastical Court?—Yes, I am quite aware that it may be impossible to discover all the persons, but so far as they appear from the instrument itself if the will is to be contested, those persons should have notice, and the decision upon it should bind all the parties, but not absent parties, as I before mentioned.

1056. Where the present object of proving the will in the Ecclesiastical Court is merely to give title to administer the assets without affecting the right of any person to those assets, do you consider it necessary to have more than the present parties to that suit as regulated by the present practice of that court?—Certainly, because the rights of the parties in the personal property will be taken away if probate is granted without their knowledge.

1057. State an instance of that?—A will, for instance, may be proved, disposing of personal property, or the greater portion of it, to the prejudice of the next of kin; the executor named may proceed to prove it, and an individual may enter a caveat; by the present practice the caveator and the person proving the will are the only parties; the next of kin, or those to whom small legacies appear to be devised, take no part in the suit; whereas, if they did take a part in the suit, the will might be found to be invalid, and then their distributive shares of the property might amount to a considerable sum.

1058. Do you mean to say that the next of kin receives no notice by the practice of this court before the will is proved?—None whatever, the executor takes probate as a matter of course unless a caveat is entered.

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1059. By what means generally do parties obtain such notice as to enable them to enter a caveat in any case?—Upon the death of a party, the usual manner is, for an individual interested, or who supposes he is interested in the assets of a deceased person, to enter a caveat within 14 days of the death of such party, by which means probate cannot be granted without notice to him by citation; a citation is issued against the caveator.

1060. But that proceeding originates entirely with the caveator, without any notice whatsoever?—Just so.

1061. Would you not consider it a great improvement in the practice, that the next of kin should have notice in all cases before the will was proved?—Certainly, if practicable, but great difficulty would arise, as the next of kin may be in various parts of the world, and the immediate representatives of a deceased person may not be known.

1062. *Chairman.*] Are you aware whether any bonds at present are taken and charged for upon procuring marriage licenses?—Yes, bonds are executed upon obtaining marriage licenses, for which the officers of the various diocesan courts, particularly in the Consistory Court of Dublin are entitled to, and receive fees upon the preparation of them.

1063. Has it come to your knowledge, that under these license bonds the right to raise the amount, in case the condition is not performed, has been questioned?—In the first instance, I believe, the bond being only upon a shilling stamp is an objection; and secondly, the right to recover the amount is also considered doubtful.

1064. Has it been questioned?—I have not known any instance where it has been put in suit, but the right to recover has been disputed, and I have known questions upon the subject submitted to counsel.

1065. Does it appear to you that those bonds so passed are a mere idle form?—At present they appear so.

1066. They are of no legal validity?—That is the impression.

1067. Do you not consider that additional protection should be given to parties who may be induced to enter into matrimony, from the very nature of those bonds when given under false pretences?— Most decidedly; I think that the bond should be effectual to all intents and purposes, and that the female, who would be the party really aggrieved by a breach of the condition, should be entitled to an assignment of the bond, and to enforce payment.

1068. Do you happen to have a copy of any bond passed in a case of this description into the Consistorial Court of Dublin?—I have; I will hand it in.

[*The Witness delivered in the same, which was read, as follows:*]

License Bond.

Know all men by these Presents, That We Samuel Cooper, of Abbeyville, county Dublin, Esquire, and Claudius Armstrong of Mount Pelier Parade, county Dublin, Esquire, are holden and firmly bound to the Most Reverend Father in God, William, by Divine Providence, Lord Archbishop of Dublin, Primate and Metropolitan of Ireland, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to the said Most Reverend Father in God, William Archbishop of Dublin, or his certain attorney, executors, administrators or assigns; for which payment well and truly to be made, we bind ourselves and each of us for the whole, our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated the 12th day of June, in the year of our Lord, one thousand eight hundred and twenty-four.

The condition of the above obligation is such, that whereas license is granted to solemnize matrimony between the above-bounden Samuel Cooper and Frances Ann Arthur of the parish of Monckstown, spinster. If therefore there appear not any let, suit or impediment, of or by reason of any affinity, consanguinity, pre-contract, or otherwise, that may hinder the said marriage; also if there be not any suit or controversy had, moved or depending before any judge, ecclesiastical or civil, for or concerning the said marriage or contract of either the parties with any other; and further, that the said parties do not proceed to the solemnization of the said marriage without the consent of parents, guardians or tutors (if any they have), be thereunto first had and obtained; that then this obligation to be void, or else remain in full force or virtue in law.

Signed, sealed and delivered in the presence of } *Samuel Cooper.* (L. S.)
C. Armstrong. (L. S.)

1069. Mr. *West.*] A fiat for the license is granted?—Yes, in the Consistorial Court of Dublin by the judge or his surrogate, and by the vicars-general and their surrogates in the diocesan courts.

1070. Is

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1070. Is that fiat granted upon the oath of the party previously taken?—In Dublin it is, and it ought to be in the country; but it is not so strictly enforced.

1071. Is that affidavit in writing or taken *vivâ voce*?—The party procuring the license does not make an affidavit in writing, but is asked some questions *vivâ voce*.

1072. Are those answers upon oath?—Yes, he is previously sworn.

1073. Do you conceive that it would be an improvement in the practice to have the terms of the affidavit in writing?—Most decidedly; an affidavit in writing, according to an approved form, should be made by the party in all cases applying for a license, sworn before the proper officer, and filed with the other records of the court for the purpose of being used in prosecutions for perjury, in case the statement be untrue.

1074. *Chairman.*] Does a great difficulty arise in prosecuting for perjury under the present system?—I do not believe a prosecution for perjury could be maintained under the present practice.

1075. Do you happen to have any fiat of the nature you just now alluded to in your possession?—I have a copy of one, as taken from the Consistorial Court of Dublin, which I now hand in.

[*The Witness delivered in the same, which was read, as follows:*]

A license to solemnize matrimony between Samuel Cooper, of Abbeyville, county of Dublin, Esquire, and Frances Ann Arthur, of Monkstown, parish of Monkstown, widow. Sworn this 12th day of June 1824, before me, John Lewis, surrogate.

Jovis, 22° die Junii, 1837.

MEMBERS PRESENT.

Mr. Villiers Stuart.	Mr. Lucas.
Mr. West.	Mr. Hamilton.

MR. WINSTON BARRON IN THE CHAIR.

The Rev. *George Miller*, D. D., called in; and Examined.

Rev. *G. Miller*, D D.

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1076. *Chairman.*] WHAT is your office?—Principal surrogate of the Consistorial and Metropolitan Courts at Armagh.

1077. How many years have you been in that office?—Fifteen.

1078. What may the probable emoluments of your office be?—The emoluments of the office are nearly equally divided between the surrogate and the vicar-general, Dr. Radcliffe; I am the deputy; the vicar-general holds an office in Dublin, and the rule has been to divide every thing except a shilling for the seal; I suppose the total amount of the emoluments of the office is about 190*l.* a year, which I divide with him; I get a little more than he does, for on all instruments on which there is a seal I get a shilling, which is not divided; but the other fees are divided equally between the vicar-general and the principal surrogate.

1079. Your emoluments are somewhat about 100*l.* a year?—Yes, and the vicar-general gets about 90*l.*

1080. Does the vicar-general perform any official duties for his salary in this instance?—The only official duty which I have known him to perform has been attending visitations, both the visitation of the diocese, which is once every year, and the visitation of the province, which is once in three years; he leaves the court and the ordinary jurisdiction to me; in one important case I knew the vicar-general to attend, but it was a case quite out of the ordinary course; it was the case of the late Bishop of Clogher, which I suppose every one remembers, but in no other case did he ever appear in court.

1081. What may be the probable number of causes that are tried in your court in the year, taking an average of the last three years as a criterion, and excluding any tithe causes that may have arisen within those years?—In the course of about 15 years I have had occasion to decide on 58 cases of some importance; in this I do not include ordinary suits for tithe, which were very

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numerous at the beginning, but which ceased on account of the composition; of these 58 causes, seven were cases of defamation, three of interim alimony, four of tithe appeals, and one of ecclesiastical discipline; the remaining 43 related to wills or administrations in some way or other; in four cases wills were set aside as fabricated; of the 58 cases, 21 were appeals from the other diocese, so that the original causes were only 37; of the appeals, 14 were from Down and Connor, that is two-thirds of the number, three from Dromore, one from Derry, one (or rather 30 tried as one, for they were all similar), from Kilmore, one from Meath and one from Clogher; I think it fair to add that it may be a sufficient reason for the number from Down and Connor being so considerable, that the united diocese contains a large and industrious population, and two considerable towns, Belfast and Lisburn, on which accounts the quantity of business may be considerably greater.

1082. Are any tithe causes now tried in your court?—No, there have not been for a considerable time.

1083. It is understood that formerly the great bulk of the business consisted in tithe causes?—Certainly; whenever there was not a bargain or arrangement between the parties, it was of necessity a matter for the Ecclesiastical Court.

1084. Can you give the Committee any idea of the average number of tithe causes that were tried in your court annually, when you first presided over it?—No, I am not prepared to answer that question; I cannot do it from memory.

1085. Can you give the Committee any general idea on the subject?—I can only say that the court was generally held once a fortnight, and there was business every court day, with very few exceptions.

1086. Could you, from memory, without referring to your books, say that these causes so occurring every fortnight, amounted to 10, 20 or 30, or any average number?—I should say they did not exceed 10, and perhaps they did not amount to it, for most of the parishes were set; wherever there was a parish set or a bargain made, there was no tithe cause; it was only where no agreement was made between the parties that they came to an ecclesiastical court for decision; therefore I am sure they did not amount to 10. In the case with respect to which I mentioned that there were 30 tried as one, it was an appeal from the diocese of Kilmore, and it was a combination; there were 31 causes, and the trick which was attempted to be played was curious; the 31 had been tried as one in the diocese of Kilmore, and in the appeal they left out that one in which the evidence had been produced, and brought the other 30 before me, in order that I might reverse the decision for want of evidence. They left out the case in which the trial had been held, and brought forward those in which no evidence had been produced. I was obliged to decide on the assumption that the other court must have had evidence though it was not produced to me, and, perhaps rather in an arbitrary manner, I confirmed the decree, because it was a palpable trick.

1087. The evidence in your courts is always written, is it not?—Yes.

1088. The course of proceeding in the case of appeals is to transmit the evidence to your court from the Diocesan Court from whence the appeal is made, is it not?—Yes.

1089. And in the case to which you allude, there being no evidence taken, of course there was no evidence transmitted in writing to you for your guidance?—No, but it was a palpable fraud; the other cases, it was understood, were to be decided on the same evidence as was given in the first case, in order to save expense to the parties.

1090. You reside in Armagh?—Yes.

1091. What class of professional persons practise now in your court at Armagh?—I should first say what class of persons did practise when I began; when they had tithe business, there was profit sufficient to support qualified persons, and accordingly I had three proctors who were nothing but proctors; but latterly, in order to have persons competent to manage a suit, I have been obliged to make three or four of the local attornies proctors.

1092. Who has the power of admitting persons to practise in your court?—I have always exercised the power, by the permission of the vicar-general; but, properly speaking, it rests with him.

1093. Is there any rule laid down for their admission, or are you guided by your general knowledge or opinion of the parties?—The parties I know individually;

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vidually; they are local attornies, and I exercise my own discretion with regard to their admission.

1094. They have not been necessarily bound or articled in any manner to any one in the same profession, in order to render them eligible to be admitted?—No; there is no object sufficiently important for that.

1095. The parties then now practising in the court are understood to be attornies of the town?—Yes; four whom I have admitted.

1096. Do they pay any fees on their admission?—I am not aware that they do; I rather think they do not; if they pay any thing, it is to the registrar on taking the customary oaths.

1097. Are there any advocates, properly so called, practising in your court, or, as they are called in the common law courts, barristers?—No, the court is not considerable enough for that; but I have had advocates of the first eminence, as civilians, pleading before me; on about six occasions, I have had all the principal civilians in Dublin.

1098. That is in the course of 15 years?—Yes.

1099. Does your court claim to have what is called peculiar jurisdiction?—No, it is the regular Consistorial Court of the diocese and Metropolitan Court of the province; there is a peculiar jurisdiction within the arch diocese which claims independence, but we do not acknowledge it; it claims it, and in fact enjoys it; that is the lordship of Newry, belonging to Lord Kilmorrey.

1100. You are, perhaps, aware that there are several cases of what are called peculiar jurisdictions in England, and Newry is the only one in all Ireland that claims that?—The only one in the northern province.

1101. Newry has not actually established its claim, at least it is not acknowledged by your court?—In the commencement of my office, I was directed by Dr. Radcliffe not to do any act that should recognize it; but at the same time we enter into no collision with it.

1102. You were not bred to the law yourself?—No, I was bred a theologian; but I must say, I found it no great difficulty to acquire all the knowledge of law that my situation demanded. I could name four works in which I found all the knowledge I conceive necessary, except what might be acquired by habitual practice in the profession, and a knowledge of reported cases, in which, of course, I am deficient.

1103. How many appeals have there been from your decision during the 15 years you have presided in this court?—Four.

1104. And in how many of these cases was your judgment reversed?—In one; but I think it necessary for my own justification to state, that in that case my superior, Dr. Radcliffe, concurred with me, and therefore I may be permitted to think that I was right.

1105. In what state did you find the repository for wills and official documents when you took possession of the office?—In a very imperfect state, for we had no regular repository for wills, but we had an office; we now have a very complete repository, which was built at the expense of the present primate.

1106. Have you any knowledge of what the state of the repositories are in the other dioceses under your control?—I have no means of knowing any thing, except what comes before me in the shape of appeals.

1107. What would you say, from your general knowledge, as to the state of security in which those public documents are now held?—I suppose it not to be good from its having been in the principal see, until the liberality of the primate provided a repository.

1108. Your impression is, that these documents are not in the most secure state that they ought to be placed in?—I only infer it from the insecure state in which they were in Armagh before the present primate built a repository; I have no other ground for that inference.

1109. Do you believe, from your general information, that in most of the dioceses there is no fixed place for the conservation of wills or other public documents of that description?—Perhaps I ought to say that there was a circumstance peculiar to the diocese of Armagh, which may have made it worse than others, though it was the principal one in the province; the registrar, when I came into office, was a Mr. Patrickson, who held the office of clerk of the council in Dublin, so that the office of registrar was done by deputy; I suppose it was owing to his having some connexion with the Prerogative Court in Dublin that he got that appointment; there may not have been the same difficulty in

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other places, and therefore the case of Armagh might possibly have been worse than other places; upon his death every thing was made local.

1110. Previous to that time the registrar resided in Dublin?—Yes; and a part of the records were kept in Dublin and part in Armagh.

1111. Is the Committee to understand that it was from the liberality of the present primate that the public have gained the advantage of a safe record repository in Armagh at the present moment?—Certainly.

1112. Was that a free and voluntary act on the part of his grace?—Perfectly.

1113. It was in no way incumbent upon him to provide such a repository?—Certainly not; there was an office for the transaction of business, but there was no repository.

1114. Was there any power, either in you as head of the court, or in your superior, to compel any party to procure such a building to be built for the security of these public documents?—I do not know of any such power.

1115. Or any public fund, out of which the expense of such a building might be defrayed?—No, nor was there any complaint; there was a regular registry office; and the primate built a distinct repository for wills.

1116. Are you aware that in some of the diocesan courts in Ireland, the office or repository for these public documents is frequently changed with the residence of the party who happens to be registrar?—No, I am not aware of it.

1117. Have you any general knowledge of the abilities or information of the practitioners in the other diocesan courts in the metropolitan district of Armagh?—The only Diocesan Court as to which I can give satisfactory answer with regard to that subject is the Court of Down and Connor, and there there is a very regular establishment of proctors; I think there are six mentioned in the Almanack, owing to the quantity of business.

1118. That, as you have already stated, is one of the largest and richest districts in your archdiocese?—It is not in the archdiocese, it is in the province; and I should suppose there is probably more business there than there is in the arch diocese; there are two large towns and a considerable population.

1119. What are the fees which are charged for the inspection of documents, wills, for instance, in the custody of your registrar?—I think it is 2*s*. 6*d*. for a mere inspection.

1120. And what for copying?—That must be *ad valorem*, according to the quantity.

1121. And what is the *ad valorem* charge?—The ordinary rates of clerkship, as I understand.

1122. Extracts come under the same head, of course?—Yes.

1123. And what is the rule with regard to searches?—Two shillings and sixpence for a search, I believe.

1124. It is the same as for the inspection?—I believe they go together; if you merely wish to look at a will, you pay 2*s*. 6*d*., and if you get a copy, you pay according to the quantity.

1125. Has any instance of a will being lost or mislaid occurred in any of the dioceses over which you preside?—I have no knowledge of that kind with regard to other dioceses; but I am afraid there were many wills lost in Armagh before I came into office, from the frauds which were practised by one of the proctors, and which, if it is important, I can explain.

1126. Is there any control at present exercised in the office to prevent the recurrence of a similar fraud or insecurity?—There is, but I do not know whether they go to that extent; the fraud to which I allude was this: the country people were many of them very ignorant, and they came to him and gave him their wills, which he undertook to manage for them, and he kept the wills, and kept the fees, which should have gone to the proper officers: he kept them in his own house, and made a sort of registry there, and never proceeded to get the probates; as far as I can, I check it, by holding every will till I give it to the proper officer.

1127. Has it ever come to your knowledge that any wills were lost in any other manner than that which you now describe?—I believe not.

1128. Do you conceive that the practice in the diocesan courts of the district is of sufficient magnitude to require the existence of separate courts in each of the dioceses under the control of the arch diocese of Armagh?—If it is considered merely with reference to the employment of professional men, I think not; but if

they

they are considered with reference to their influence on the minds of the country people, I think they are.

1129. It would appear from your evidence that the business in some of these dioceses is very small indeed?—I believe it is.

1130. Yours being the principal court in the province, and being a court of appeal besides, must have a much larger proportion of business than the minor dioceses in the province?—I should imagine that the diocese of Down and Connor has more, from the local circumstances.

1131. With that exception, the others must have considerably less, or at least some of them?—Yes, I believe so.

1132. And the business of these courts cannot give employment to professional persons of eminence so as to induce them to give their attention to it?—Local attornies can always be found to conduct the suits with sufficient skill. They have certain forms to go through which are very soon learned. I do not think that the business of my court would be sufficient to support qualified men, now that they have lost the tithe business. The only inconvenience of employing attornies is, that they go to Dublin in term time, so that our business is necessarily interrupted; but the quantity is so small that it is not important.

1133. How many times in a year do you sit at present?—Once a fortnight, if any thing is to be done; probably about once in every second fortnight. There are several steps in every trial, and I often have to go to take some one step.

1134. Do you not consider that it would tend to the uniformity of practice to have a number of those diocesan courts removed where there were contested wills or difficulties arising?—I can only judge from the appeals that either come to me or go from me, and I have no reason for thinking that there is any greater diversity of feeling than would necessarily occur among different courts.

1135. Are you aware that there is a prejudice, generally speaking, against contesting matters in these courts?—I believe there is no objection except to their expensiveness. I do not think there is any objection to our proceedings as ecclesiastical, but only as expensive.

1136. Perhaps they are considered rather slow, there being a great many steps to be gone through?—Yes, but those forms are no more than belong to plenary proceedings, and I believe they correspond very nearly with the proceedings of a court of equity in regard to those steps; with regard to us, the question is between plenary and summary jurisdiction.

1137. Does it strike you that it would be an improvement in your court to have the business conducted with *vivâ voce* evidence?—I think where small values are concerned, it would.

1138. It would tend to lessen expense?—No doubt.

1139. Perhaps it would facilitate business?—Changes of that sort have been made from time to time; for instance, under an Act of Parliament all tithe matters were made summary.

1140. Mr. *Villiers Stuart.*] Will you state why you think it would be an improvement in small matters only?—That depends on the question of appeal. In our present appeals the written evidence is transmitted, and if we had no written evidence, it would be necessary to send all the witnesses to the higher court; therefore it might be worth while to forego that advantage in small matters for the sake of saving expense; but in greater matters, where it is important to keep the appeal open, written evidence is useful.

1141. *Chairman.*] You are aware that the same objection would lie against the civil courts, the inferior courts in Ireland, where the barristers preside?—Yes.

1142. And where there is an appeal to the going judge of assize?—Yes, but our appeal lies to the Court of Delegates in Dublin. The diocesan courts appeal to me, and from me the appeal lies to the Court of Delegates.

1143. Mr. *Villiers Stuart.*] Would it not be better worth while to summon witnesses to your court in a case of some importance, than in a case in which a small matter only is involved?—In a late trial on a question concerning the fabrication of a will, the witnesses were not fewer than 60 in number. I am not quite sure whether, on account of the cross-examinations, there were not 70.

1144. Does not the necessity which now exists of having so many witnesses examined in your court partly arise from your having recourse to written evidence?—No, I conceive not. In the particular case to which I allude, it grew out of the nature of the evidence, which was circumstantial, and which alone could

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be brought to bear upon the case. There was a formal will written, witnessed and sworn to, and it could only be set aside by circumstantial evidence. It was set aside, and my decision was confirmed by the delegates. There was also a trial of discipline which I held lately, and there could not have been fewer than 50 witnesses, who were all, except one, to be brought from Drogheda, and we sent a commission to Drogheda to examine them, to save that expense.

1145. *Chairman.*] Do you not think that the same objection would lie against appeals in all other cases as that which you have now stated with regard to the number of witnesses?—Not if it was made local; for instance, if it was the assistant barrister, or going judge of assize, the same witnesses might, in almost all cases, be brought forward without inconvenience.

1146. And do you see any tangible objection to having the appeals made in such matters to the going judge of assize, where we know matters of much greater importance and much larger amount are tried than are tried in your courts?—I do not see any objection to it, and in that case the necessity for written evidence would, I think, be done away with.

1147. In point of fact, is not the appeal from your court to a portion of the going judges of assize in Dublin called the Court of Delegates?—The chancellor is authorized to commission five persons to hear the appeal; but the practice is to appoint a puisne judge from each law court and two masters in Chancery.

1148. Do you consider this appeal court, called the Court of Delegates, to be such an excellent court that it would be desirable to continue it as an appeal court from yours?—There can be no doubt of its abundant competency; but I have always understood it to be a reluctant court, and therefore not a very desirable one.

1149. Are you aware that it is a kind of extra-judicial business that they have to transact, or that they consider it so when they are called into the Court of Delegates?—I would not call it extra-judicial, but it is superadded to their own regular duties; it takes them out of their regular course, and I have been told that they dislike it, and therefore do it unsatisfactorily.

1150. Have you been informed that this court is often very difficult to get together in sufficient numbers, where there is a press of business in their own courts, to try matters of appeal?—There is a secretary, whose business it is to get them together, and he does so; I believe they always appoint either a day before or after the term for business of that sort, when they can, that it may interfere as little as possible with their own ordinary business; the court is held just before the commencement of the term, or just after its close.

1151. Do they commence their sittings at a very late hour of the day?—I believe they do; at three o'clock, so I have been told.

1152. Have you been informed or do you believe that it is usual for them to adjourn between four and five, and not to sit for more than an hour, or from that to two hours at most?—I never knew them adjourn above once, except in one case, and that was a case of a forged will; I understood they sat five times about that.

1153. How many hours did each sitting occupy?—I suppose they sat from three to half-past five; but all that I have by report.

1154. In any of the other ordinary courts they would have sat from ten till four or five in case of necessity?—In the same case, I sat for six hours without intermission, not having any thing else to do; it was equally urgent.

1155. In the ordinary course, courts do not adjourn after a two hours' sitting, do they?—My own court is very often occupied not half an hour.

1156. When there is a question before a court, it is the custom, is it not, to sit more than two hours in a day?—I suppose it is.

1157. The necessary consequence of these short sittings is, that the expense of these courts is considerably increased to the parties concerned in their proceedings, is it not?—But I must beg to observe, that I do not know of any inconvenience experienced, except it may be in the one case I have already mentioned, and that grew out of the difficulty of the case. The judge who took an active part in it was the late Sir William Smith, and he could hardly bring himself to believe that so many people had perjured themselves, and there was a moral hesitation in coming to the conclusion, which caused the postponement in that particular case. I had a local knowledge, and made up my mind about it, but the judges who sat in the Court of Appeal found it difficult to persuade themselves that there was so much perjury in the case. I am not aware of any inconvenient postponement having occurred except in that case, and in that case it is accounted for in that way;

way; it was owing to the moral reluctance which they felt to coming to the conclusion at which they arrived.

1158. Could you suggest to the Committee any improvement in the present system of pleading, supposing it should be desirable that pleading by written documents should be continued?—I am not competent to point out any improvement, or any other change, except in the choice between plenary and summary proceedings.

1159. You have stated that your sittings now average about one in a month?—Yes.

1160. Could you give any idea what the length of each sitting might be?—They seldom exceed an hour; we have a number of preparatory steps before a cause comes to a hearing. Whenever a cause comes on for a hearing, it occupies a considerable part of a morning, and sometimes a whole day; but in the preparatory steps leading to the hearing, it is done as a matter of form.

1161. Mr. *West.*] Before the Composition Acts came into operation, do you know how many branches of jurisdiction the Consistorial Court had?—There were seven.

1162. Will you be good enough to state what they were?—Tithe questions, probate of wills, administrations, nullity of marriage, divorce, defamation and discipline of clergy.

1163. Their jurisdiction with respect to tithe has been taken away, has it not?—Yes.

1164. If your jurisdiction with respect to wills was taken away, are there not some subjects remaining that would still make such a court as this necessary?—I think so; there would still remain questions of marriage, divorces, defamation and clerical discipline.

1165. Now, suppose they were all taken away except the last, clerical discipline, can you imagine any other mode in which that could be exercised than by a Consistorial Court?—I can.

1166. How?—By the visitatorial right of the bishop.

1167. But still that jurisdiction must remain in the bishop to be exercised in some way as long as there are bishops?—I conceive that he would cease to be a bishop if he had not a visitatorial right; I conceive that every bishop has a twofold jurisdiction of discipline, one which he exercises through the medium of his Consistorial Court by a judge appointed by him, and the other which he exercises in his own person as visiter, and he may choose either of these. In the late question of discipline which I tried, the matter was referred to me rather than tried in the visitation of the diocese, because there were a great many complaints and a great many witnesses, I am sure there must have been 50; but the primate might have tried it himself at the visitation, or he might have held a special visitation; there would, however, be this difference, that he, as a visiter, is tied by no law; there is no appeal; what a visiter does within his jurisdiction, I believe, is not subject to the revision of any court, it is considered as a parental jurisdiction. To take away the consistorial authority of a bishop, in regard to discipline, would be to throw him upon the exercise of his visitatorial right, in which he is perfectly arbitrary, but in the other case there is an appeal.

1168. With respect to the jurisdiction as regards wills and administrations, in case of an executor proving a will, is it not a mere matter of form, merely the administration of an oath?—Yes; but it may become a subject of contention in a court, if the party be required to prove the same will in solemn form of law; in the ordinary case it is a matter of routine.

1169. But in the case of disputed wills, and in all cases of administration with a will annexed, where the executor renounces, do you not consider that that act requires some discretion in the officer who is to discharge it?—In all cases of administration, I think there is a discretion to be exercised, but not in the case of probate of wills by executors; in all cases of administration, whether with or without a will annexed, there is a discretion to be exercised.

1170. A discretion beyond what you think would be supplied by a common clerk?—I think so.

1171. For what reason?—There is frequently a collision of interest between the widow and the children; if the widow be young, she is likely to marry again, and then the administration would go to her husband; if the widow be old, the children are very apt to take advantage of her, and in that case, I give the administration to the widow as long as she is efficient, if she is not too old. The

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discretion allowed to a judge in regard to administration is twofold; he is required by an Act of Parliament to make his election between the widow and some of the next of kin; but if the children, or any of them, be minors, he can go out of the statute by making a temporary appointment during their minority, and that I have generally practised; that is said to be out of the statute, and then I may choose who I please; I have generally preferred granting an administration during minority, first of all, because it left me free to choose whom I pleased; it protected the minors, and I may add, that it was a temporary appointment which might be overhauled, while another administration is irrevocable.

1172. Have you met with any cases in which it has been necessary to have a prompt decision, requiring a good deal of discretion?—I have.

1173. Do you recollect any cases of that sort?—I do; there was a case occurred very lately to me which I will mention to the Committee: I received a letter from the curate of Tanderagee, whom I did not know, but who wrote to me as a clergyman, stating that a shopkeeper who had property to the value of about 400*l.* had just died there, leaving some young children intestate, and that the relatives were possessing themselves of the property, which consisted of goods, he having been a shopkeeper. By course of law, I ought to have waited 14 days before I granted administration, but I exercised a discretion which is allowed, by giving an immediate administration to that clergyman and a physician of the place, on behalf of the younger children; and by that means their interests were protected.

1174. Do you recollect the case of a man named M'Ilroy, who came from America?—I do.

1175. Will you mention it, if you please?—He came from Montreal, having property, I suppose, to the amount of about 1,000*l.*; he was in bad health, and came to reside with a married sister, in whose house, after some months, he died of a consumption. After his death a will was found, of which they had previously known nothing, bequeathing, I think, six several legacies of 100*l.* each to people in Montreal. The family had reckoned upon succeeding to his property, which, in their view, was considerable; they were very much disappointed at this, and endeavoured to suppress the will; but a Presbyterian minister who was present, and was named executor without any concurrence on his part, told me of it; he was not willing to act in it, perhaps from the apprehension of giving offence, and I ventured to do what I had not a strict right to, for I called the parties before me, though there was no cause pending, and examined them; the consequence of which was, that I got possession of the will, and it was afterwards proved.

1176. And the rights of these Americans protected?—They were protected.

1177. Do you conceive that that protection and that justice to parties could have been afforded, if a local jurisdiction, such as you possess, did not exist?—I am very certain that it could not.

1178. You have given the Committee already the number of cases that have occurred within a given time; can you give any statement as to the values for which administrations have been granted?—Yes, I can. I procured from the deputy registrar, and now produce, a return of the value sworn to in probates and administrations for three years.

[*The Witness delivered in a Return, which was read, as follows:*]

Consistorial Court of Armagh.

TOTAL NUMBER of Probates and Administrations.	Number in which the Property was under £. 30.	Number in which Property exceeded £. 30, and under £. 50.	Number in which Property exceeded £. 50, and under £. 100.	Number in which Property exceeded £. 100.
For the year 1834 - 88	22	10	9	47
„ 1835 - 108	33	13	24	38
„ 1836 - 108	24	8	23	53

1179. For what purpose are administrations taken out, when the value of the property is under 10*l.*?—Most frequently for the purpose of establishing what is termed a tenant-right; but sometimes for the purpose of enabling the party to recover

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recover payment of a note, and very often to enable him to get money out of the savings bank. There is no man in our part of the country who would not get 10 *l.* an acre for his tenant-right, without any lease, supposing him to pay the full rent. He would get 10 *l.* an acre from any man to stand in his place.

1180. In the list which you have given in, is the year calculated according to the same periods as the former years that you spoke of in your returns?—No, in my own book, which is a memorandum of settlement between me and my principal, I take the year as beginning on the 18th of March, and the registrar began his account on the 1st of January.

1181. Could you give us any proposition of your own for what you would consider an improvement of the present system, with respect to these Consistorial courts?—I think I could. I believe there is no other objection made to our own court of Armagh than to the expense of it. I think the diocesan courts might be improved by being assimilated to our court. I think every bishop might be required to do what the primate necessarily does, that is, to appoint a civilian his vicar-general, having a clergyman like me for the surrogate. The primate does it, because his vicar-general is judge of the Prerogative Court in Dublin; and some of the bishops do the same. I know it is so in Clogher and in Meath, and it may be so in others; but I would make it general.

1182. Where would you fix the residence of the vicar-general?—In Dublin. The advantage of that would be an advantage that I have experienced several times, an opportunity which the surrogate would have of conferring with his principal, and of getting a direction from him in matters of difficulty, which I have perhaps half a dozen times troubled Dr. Radcliffe about.

1183. Would you have the surrogate live in the country?—I would have him live near the bishop; the vicar-general should be a civilian, living in Dublin, capable of directing the surrogate in matters out of the ordinary course.

1184. In cases of small values, do you think an improvement would be effected by making the proceedings in all those cases summary?—I do, provided the appeal were changed, and it was no longer an appeal to the delegates in Dublin, but a local appeal, either to the assistant barristers or to the judge of assize.

1185. Have you got a list of your fees upon probates?—I can state them: the total sum in English currency is 3*l.* 19*s.* 4½*d.* for either probate or administration, but with an additional charge when the wills are long; they get a copy of the will in the probate, and if it be at length, there must be some additional charge made for it; where administrations are under 5*l.* we charge nothing, and for matters between 10*l.* and 5*l.* I introduced a regulation that the fees should be halved, and above that we charge the whole; we have often contemplated altering the fees, and were hindered from doing it by not being able to raise them on the higher sums; we could lower them on the lower sums, but could not raise them on the higher ones; I have got a table prepared, giving a rateable scale of that sort, which, if adopted, would very materially benefit the public; it would lower the total amount of the fees, but that we were willing to submit to; I think it would be a very desirable improvement, for I have often felt that the fees were too high.

1186. Will you state of what the 3*l.* 19*s.* 4½*d.* is made up?—It is made up in Irish money; to the judge, 1*l.*; the seal, 1*s.*; registrar, 1*l.*; apparitor, 1*s.*; registrar, for ingrossing will, if short, 6*s.* 8*d.*; registrar, for exhibit of seal, 4*s.* 10*d.*; registrar, for certificate to stamp-office, 6*s.* 8*d.*; registrar, for entering will, 6*s.* 8*d.*; proctor, for preparing schedule, 6*s.* 8*d.*; proctor, for drawing fiat, 3*s.* 4*d.*; proctor, for extracting, 6*s.* 8*d.*; registrar's clerk, 2*s.* 6*d.*, making in the old currency 4*l.* 6*s.*, and in the new currency 3*l.* 19*s.* 4½*d.* Now, whatever may be thought of the particular charges, my own impression is, that the only person who is overpaid is the registrar, who certainly makes a good deal more by the transaction than any body else. The average of the registrar's fees for three years, 1834, 1835 and 1836, I find to be no less a sum than 586*l.* 19*s.* per annum. The sum I received during that time was rather under 100*l.* The proctors, I really think, are badly paid. Some of the particulars may be nonsensical and unnecessary; but the total amount only appears to me to be a grievance. In the case of the registrar, I think he is overpaid; but as to the others, I think they are barely paid. The deputy registrar gave me a scale of reduction and of increase, and by that, as he informed me, the average amount of the registrar's fees would be diminished to 367*l.* 2*s.* 6*d.* He ought to be paid more than I am paid, because it is

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his occupation. It is not my occupation, but only an incidental matter. I think, however, that he is overpaid, and the consequence is, that we very often put a rider or partner upon him. It is more convenient, however, for me to receive 100*l.* a year for the occasional attention I give, than for him to receive 300*l.* for giving his whole attention to it: to me it is rather an amusement than an occupation.

1187. What would you consider a fair compensation to him?—If he got about 300*l.* a year, I think he would be very well paid.

1188. Would you consider that a fair remuneration for the duties of the office?—I think a qualified man might be got for that.

1189. You say there were four appeals from you to the Court of Delegates during 15 years?—Yes; an appeal is in almost every instance put in.

1190. There can be no appeal direct from the Diocesan Court to the Court of Delegates?—No; they must come to me first.

1191. In the whole of that period there were only four appeals from the province that were prosecuted?—Certainly.

1192. *Chairman.*] Is there any other point that suggests itself to you in the way of improvement of these courts, or any thing that would be useful to the Committee to guide them in their future arrangements?—None but those I have mentioned.

APPENDIX.

To the SELECT COMMITTEE appointed to inquire into the state of the PREROGATIVE and ECCLESIASTICAL COURTS in IRELAND, and to consider the REPORTS of the COMMISSIONERS appointed to inquire into the state of those COURTS in 1826 and 1830:

The MEMORIAL of the PROCTORS of the PREROGATIVE COURT in *Ireland*,

SHEWETH,

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That your Memorialists, practising Proctors of the Prerogative Court in Ireland, beg leave respectfully to summit to the Committee the result of their joint observations on the 19th Report of the above-mentioned Commissioners, so far as the opinions therein expressed may appear to affect the rights and interests of Memorialists.

That certain alterations in the established practice and amount of the Proctors' fees are proposed in said Report, which if carried into execution will have the effect, as your Memorialists are persuaded and submit, of unduly depressing your Memorialists' profession, and of thereby seriously prejudicing the public service in this department of business.

That your Memorialists by no means consider that any private hardship or inconvenience, likely to press upon themselves as a body, would constitute a justifiable objection on their behalf, against any measure tending to the public advantage; but your Memorialists trust that they will be able to prove that their own interests and those of the public are, in this respect, the same, and that the proposed changes tend no less directly to introduce a general inconvenience, than to entail ruin on individuals.

That your Memorialists have a two-fold professional character: first, as conductors of litigated causes in the Ecclesiastical Court; in which respect Memorialists may be compared to Solicitors in the Courts of Equity: and, secondly, as appointed under the Judge, in the execution of that part of his functions belonging to what is called the Voluntary Jurisdiction.

That the voluntary jurisdiction is so named, in contra-distinction to the contentious jurisdiction, or court business; the latter term describing suits carried on between party and party—the former comprehending all ministerial acts despatched in the offices, in the common course of business, without the institution of a suit.

That Memorialists, in their capacity of conductors of Ecclesiastical suits, hold, and are entitled to hold, a respectable station; but this part of their duties is not the most important, nor that which more particularly calls for the attention of the Committee, in taking into consideration the wisdom of the proposed innovations.

That the voluntary jurisdiction includes the department of the granting and expediting of Probates and Administrations, and therefore comprehends what, in a public sense, your Memorialists will not hesitate to term a trust of the highest and most important nature; for what can be more important than those official acts of the Ecclesiastial Judge which constitute, and for ages have constituted, the great channel of conveyance, by which alone, personal property is transmitted to the representatives of parties deceased?

That in practice, no inconsiderable portion of the responsibility annexed to this important trust is, and must be, confided to the Proctor.

That your Memorialists can easily convince your Honourable Committee, by the evidence of facts, and by many obvious considerations, that, in the business of extractions, *i. e.*, of the expedition of Probates and Administrations, there is a constant and indispensable trust reposed in the Proctor, so delicate in its nature, as not to be safely confided to any but individuals of respectability, education and unimpeached integrity.

That the most considerable source of profit to a Proctor is derived from the fees payable on such extractions of Probates and Administrations.

That the immediate consequence of carrying into effect the recommendations contained in the 19th Report would be, to lower the average amount of profit, on this branch of business, to the level of some of the worst-paid employments.

That your Memorialists in all humility submit, that it is not for the interest of the public that your Memorialists' profession should be so degraded; and your Memorialists cannot persuade themselves that the Commissioners of Inquiry would have recommended changes so wholly subversive of the ancient footing of respectability on which Memorialists and their predecessors have stood, had they fully comprehended the extent of the measures they proposed.

That your Memorialists' fees on Probates and Administrations are at present regulated by a table introduced, printed and established in the year 1812, with the sanction and by the allowance of the late Judge of the Prerogative Court in Ireland, the Right hon. Patrick Duigenan.

That Memorialists cannot conceal their surprise at finding in the 19th Report an insinuation advanced to the effect, that this table of fees of the year 1812 had not the

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sanction or allowance of the learned Judge, but is in fact little better than a surreptitious instrument obtruded on the public, by means of a corrupt collusion between a few interested practitioners.

That it is impossible to imagine a more erroneous or unfounded surmise, your Memorialists being well able to demonstrate that the Irish scale of 1812 was most expressly approved by Dr. Duigenan, and then was, and now is, in accordance with the practice of the Prerogative Court of Canterbury, from which practice it has been almost literally transferred to the Irish Prerogative Court.

That the scale of fees, as it now obtains in both countries (with some slight modifications in adapting it to the official fees in Ireland), was first introduced at Doctors' Commons in the time of Sir William Wynne, by the sanction and allowance of that eminent Judge, in proof of which your Memorialists crave leave to refer to an official Report of the Deputy-registrars of the Prerogative Court at Doctors' Commons, prefacing a return made by them to the House of Commons, on the 31st of May, in the year 1825, of the fees established in this department of business, in which your Honourable Committee will find the words following prefixed to the scale of fees there-under-written:—"*That, in the year* 1801, *a great increase of stamps having been imposed upon Probates and Administrations, on property amounting to* £.100,000., *a rate of charges was prepared by the Proctors, and submitted to the consideration of the Right hon. Sir William Wynne, the late Judge of the said Court, who did not state any objection thereto, and the principle therein laid down has ever since been acted upon. That, in the month of July last, we received a letter from the Right honourable Sir John Nicholl, the present Judge of the said Court, directing us to report to him how the charges made by the Proctors in passing Probates and Administrations were regulated, and whether there was any table of fees relating thereto, at what time the same was formed, and by what authority it had been sanctioned, and whether we were of opinion any and what alteration ought to be made therein. That, in obedience to such letter, we made our Report, when the Right honourable the Judge, by letter dated 28th February last, was pleased to state, that as the said charges were regulated by a table of fees submitted to his predecessor, the late Sir William Wynne, in the year* 1801, *and as he did not object to the rate of charges therein contained, which rate of charges had been continued to be made during a period exceeding* 20 *years, and had been acquiesced in, so far as he had been informed, he did not feel himself called upon to suggest any alteration in the charges, except as to any charge upon the rateable stamp-duty imposed upon Probates and Administrations since the said year* 1801; *and he concurred with us in thinking that the rate of Proctors' charges should not increase in cases beyond the amount of* £.100,000.

"*The stamp-duty now extends to property amounting in value to the sum of one million,* £.1,000,000.

"*We beg to present and lay before the Honourable House the rate of fees as now charged by Proctors in Doctors' Commons on passing Probates and Administrations.*

"*Doctors' Commons,*
31 *May* 1825."

Nathaniel Gosling,
George Jenner,
Charles Dynelly,
} *Deputy Registrars.*"

(Vide Parliamentary Paper, 31 May 1825, No. 364.)

That there are not wanting (as your Memorialists humbly submit) many weighty considerations proving the reasonableness of the principle governing the Proctors' charges, as introduced by the English scale of 1801, and the Irish scale of 1812, especially the poundage fee on the amount of stamp-duty.

That in England a series of Stamp Acts, originating in the year 1694, gradually enhanced the amount of duties imposed on Probates and Administrations: in the progress of this augmentation, the practitioners at Doctors' Commons being in the constant habit of advancing the sums disbursed for stamps, have been used from a very early period to receive a recompense in the shape of a poundage fee on the amount of stamp-duty,—a reasonable mode of payment, as the charge has reference to the risk and burthen of making large pecuniary advances, and, of course, holding idle a considerable capital in hand. The poundage fee was established at the rate of 3*s.* 4*d.* for every pound of stamp-duty. In the year 1797, the stamp-duty in England was brought up to the amount of 60*l.*, in all cases where the personal property exceeded 1,000*l.* In the year 1801, additional stamp-duties were imposed upon a scale which brought the highest stamp-duty to the sum of 1,000*l.*; the Proctor was obliged to restrict his advance, in all ordinary cases, to the former sum of 60*l.*, holding himself, however, ready to advance, and in fact actually advancing in cases which required it, any higher amount that might be necessary in an individnal case, for which purpose the Proctor is always obliged to keep a large unemployed capital. Such higher advances being of rare occurrence, so that, for the most part, the Proctor's risk and responsibility, as connected with the stamp-duty, extends no further than as regarded the due application of the money, a smaller and very trifling rate of addition was made to the charge for extracting Probates or Letters of Administration upon the excess of duty beyond 60*l.*, and this charge, amounting to 6*d.*, only, in the pound, is justified upon the ground of the additional risk and responsibility.

Such was the origin and progress of the poundage fee in England. In Ireland, by the Stamp Act of 1807, stamps on Probates and Administrations which had been theretofore comparatively light, varying from 10*s.* to 10*l.*, the then highest rate, were at once placed upon the same high scale as the then English duties. Memorialists thus became suddenly and all at once exposed to the full extent of that responsibility which had theretofore been felt by the English Proctor only, and had in that country long before given rise to the poundage

poundage fee. Holding in their hands sums of money, in many instances amounting to thousands of pounds, whilst procuring Probates and Administrations for their clients, and again, in many cases, subject to the risk attendant on making large advances from their own funds, your Memorialists felt they had become entitled to new and additional recompenses under these new circumstances, and they accordingly turned their inquiries to the practice of the Courts in England. The result was, that upon a minute and cautious investigation, conducted by the then Judge himself in person, upon the spot, his Honour, the late Dr. Duigenan, was pleased to assimilate the practice of his Court to that which had obtained at Doctors' Commons, and to publish and allow the table of 1812.

When your Memorialists review the proofs in their hands of the correctness of the above statement, and when further they collate the Irish table of fees with that established in England in 1801, and by such comparison observe that the one is nearly a transcript of the other; when, again, they take into consideration that the English scale remains to this day the public accredited standard of legal charges by the profession in the province of Canterbury, that it has been officially recognized and confirmed by Sir John Nicholl, the present Judge, and has even received indirectly the countenance of an Act of Parliament, viz., 10 Geo. 4, chap. 59, sec. 5; when your Memorialists take into consideration these facts, and then turn back their attention to the 19th Report of the Irish Commissioners, they confess they are lost in surprise at the attempt elaborately pursued throughout that document to disparage the scale of 1812, as a fabricated contrivance, destitute of all original authenticity and legal effect. It is admitted in the Report that that scale was printed and publicly exposed to view in the Registry Office, and in the office of every Proctor; but it is observed by the learned Commissioners, that the order of the Judge does not appear entered in any court-book. Had the habits of those gentlemen led them to any degree of acquaintance with the law or practice of the Spiritual Courts, they would have understood that the proper and legal mode of promulgating fees from authority in those Courts is, by posting a table in certain public places.—(*See Burn's Ecclesiastical Law—Title Fees—page* 264.—136*th Eng. Can.*—83 *Irish Can.*) Your Memorialists submit, that in giving publicity to the table of 1812, all legal requisites have been duly complied with.

That apparently by way of justifying that plan of degradation contemplated by the Commissioners, as applying to the profession of your Memorialists, the Report in the 20th folio specifies certain routine duties of your Memorialists' offices as though these contained the sole consideration for the incomes your Memorialists derive from fees.

That it is, however, respectfully submitted, that the Commissioners have not duly appreciated, neither do they seem to have sufficiently understood the duties and details of business, which belong to the practitioners, upon whose interest they are reporting. They overlook the expense of professional education, the decrease in the relative value of money from the year 1718, when a table of fees was established, to the scale of which they desire to bring back the present professional charges, and they treat generally the duties and services of the practitioners, as if they consisted merely in certain common-place business of writing or ingrossing some formal papers, or attending or waiting for a short time at some particular place, for some specific purpose; and if this view of the subject were correct, what they award might not be unreasonable. It should be recollected, however, that by all the present practitioners a large fee has been paid for their apprenticeship; that a five years' service has been dedicated to gain knowledge of their profession, and that, when admitted to practice, they provide an office and a professional establishment of more or less expense, without which their business cannot be carried on. It is a fallacy to assume, as the Commissioners have done, that, in obtaining Probates of Wills or Letters of Administration of the effects of intestates, the services and duties of the Proctor are merely those subordinate duties detailed in folio 20 of the Report; for circumstances constantly arise, in the different cases which present themselves, involving points of professional nicety upon which a well-educated practitioner is alone competent to advise—questions as to the validity or effect of the paper produced as a will—questions as to the party entitled to Probate, or to Letters of Administration, with the will annexed, or otherwise—questions upon codicils and imperfect papers, whether they are proper to be proved or not—questions as to the most convenient and least expensive mode of supplying the evidence necessary for proving papers not complete and perfect, either in form or execution, or having obliterations or erasures—questions, again, as to the party entitled to take out the Letters of Administration to the intestate—questions as to the parties entitled in distribution to the effects—and questions as to the effects which may or may not be subject to Probate or Administration duty; all these points, and many others, arise daily in the course of current business, and the difficulties which they involve demand both labour and intelligence for their solution, not only by the Proctor, but sometimes also by Counsel. It is in these things that the duties of the Proctor much consist; but a remuneration for his trouble and his advice upon these matters is never separately or additionally charged for, and the client is not, except under special circumstances, put to any expense beyond the charge for Probate or Letters of Administration (as the case may be), according to the regulated scale. It is obvious that the duties which have been detailed require persons of trust and intelligence for their performance, and that fraudulent or improper or inefficient advice must be injurious and ruinous in its consequences. Considering then the obvious facility with which fraud might be committed in matters connected with the representation of persons deceased, or in the fraudulent production or alteration or suppression of wills, or codicils or testamentary papers, or other circumstances connected with them, it seems absolutely necessary for the security of the public, that the practitioners who conduct the business in question, should be persons not only of good professional

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education, but also of responsibility and trust, and of a station to place them above the influence of unworthy motives; and how are persons of this description to be secured, unless their professional remuneration be suited to their station and condition, and sufficient to place them above the temptations to which indigent men are exposed?

That your Memorialists might easily illustrate the magnitude of the trust devolving on the Proctor by examples of familiar occurrence. It is well known, that under the existing state of the law, the largest personal estate which can be accumulated by a subject may pass under a scrap or scraps of writing however informal or irregular, without a witness or any other medium of proof or publicity, save that of hand-writing. When it is taken into consideration that, in the critical interval of time between the discovery of such papers after the testator's death, and the lodging of them in the public places of deposit, the Proctor becomes the hand which holds them, it is perhaps not too much to say that the person filling that situation ought to be above vulgar temptations, and no less competent, from his integrity, to control undue tendencies in a client, than, by his intelligence, to advise him as to his rights.

Suppose, again, the case where the Proctor takes into his custody a will disposing of thousands of pounds, and consider the risk he incurs; such a will may in many instances be the only evidence of its own existence and contents; suppose the next of kin, or a person otherwise interested in destroying the document, to get access to a clerk and corrupt him, or suppose by some other stratagem he obtains possession of the will, what is the consequence?—inevitable ruin to the Proctor, and, to the party, the destruction of his rights. Here are fatalities, against the occurrence of which the Proctor is in a manner obliged to insure the public; and yet it is proposed, in the 19th Report, to sink this functionary to a level with persons of the meanest education and lowest esteem in society.

Again, the large sums of money which are entrusted to the profession, in procuring Probates and Administrations, in cases where property is considerable, impose a risk and responsibility which surely demands a commensurate remuneration; these sums of money (amounting occasionally to thousands in the week) are frequently and necessarily in the absence of the Proctors themselves (while called from their offices on professional attendances), entrusted to their clerks, for whose honest appropriation thereof they of course are responsible. It is also of daily occurrence that large sums are remitted from the country, by orders on Dublin bankers or private bankers' notes, all of which must be changed into notes of the Bank of Ireland (none others being received at the Stamp Office), before they can be lodged for payment of stamp-duties; this also subjects the practitioner to serious risk, as no loss that he may meet with in making these necessary changes of money could ever be sought to be recovered from his client.

Your Memorialists are prepared to prove, that upon the average of the years 1826, 1827 and 1828 (those assumed by the Report to ground the different calculations therein contained), the entire profits, under the head of "Extractions," would not, upon the new principle recommended by the Commissioners, amount to the sum of 1,800 *l.* per annum. The number of members composing the profession is now 20, to which will be added, in the course of two years, eight more, who are now completing the terms of their apprenticeship, which will make in the whole 28. Now, supposing the business to be equally divided, this would give each member of the profession something less than 70 *l.* per year profit on this branch of the business, and which, with at least one-half of the profession, may be calculated as the only certain source of professional emolument.

The proportion, according to the lowest calculation of the emoluments of the Proctors' Office on this head of business, as compared with those arising from the conduct of suits, is that of three parts out of five; if, therefore, the recommendation of the Commissioners of Inquiry was to become a legislative enactment, the profession would be unable to support even their present office establishment, much less expect to earn a bare livelihood.

Having travelled so much at large into the considerations connected with the poundage fee, your Memorialists are compelled to consult the necessary brevity of this statement, by desisting from any further criticism on the minor regulations proposed in the Report; but your Memorialists hope they will be indulged with the opportunity of more fully unburthening their minds to your Honourable Committee, upon the subjects which, in that Report, they humbly conceive, have given them well-founded cause of exception.

Your Memorialists further beg leave to state, that their profession is not at all to be compared (as is stated by the learned Commissioners) to that of Solicitor or Attorney, the profession of Proctor being confined exclusively to one line of business, whilst that of Attorney or Solicitor embraces various sources of employment and profit.

That, in fact and truth, with the exception of Memorialists' fees, the substance of the suggestion of the Commissioners of Inquiry has been, since the Report, adopted by the learned Judge of the Prerogative Court, as least so far as he considered just, necessary and wise, viz. he has thrown open the profession, by permitting the Proctors to take apprentices, instead of its being confined to the Deputy-registrar as formerly; he has limited the practice of pleading to two pleadings, instead of three as before; he has appointed a regular routine for the examiners in causes;—and he has prohibited altogether the practice of charging solicitation fees.

The Practitioners beg leave respectfully to submit, that the general arrangement of the Ecclesiastical Courts in Ireland, upon a plan similar to that which has been suggested in the very able and well considered Report of the Commissioners of Inquiry into the laws and practice of the Ecclesiastical Courts of England (*Parliamentary Paper, 27th February* 1832, No. 199), which has been recommended to be adopted in its fullest extent by a Select Committee

mittee of The House of Commons in the Session of 1833 (*Parliamentary Paper, 15th August* 1833, No. 670), namely, the consolidation of the jurisdiction exercised by the several Diocesan Courts into one Superior Court, would be a measure of great public advantage to Ireland. And *they humbly contend that not less by the articles of Union between Great Britain and Ireland (a union best to be secured by the identity of the laws and privileges of each), than from considerations of feeling and natural justice, they are entitled to a full equality of rights with their brethren of the same profession in England.* And they humbly expect, from the equity of The House of Commons, that they may not be subjected to any other measure, or any other system of change which shall not, by the wisdom of the Legislature, be adjudged necessary and just, in respect of the English Ecclesiastical Courts, and the practitioners thereof.

Your Memorialists hope therefore they may, without presumption, suggest the possible inconvenience which may arise from prematurely legislating for the Courts in Ireland which are now assimilated to the English Courts, and which ought, as your Memorialists submit, in justness and fairness, to abide the same ultimate arrangement as shall be introduced into the Courts of the Sister Country, for the regulation of which it is expected a Bill will be shortly brought before Parliament.

ATTESTED COPY RULES OF COURT, made by the Right honourable Dr. *Radcliffe*, Judge of Prerogative Court in *Ireland*, in conformity with the Recommendations of the Commissioners of Judicial Inquiry, contained in their 19th Report.

1st May 1830 (as corrected).

Ordered,

1st. THAT in all cases the Court may, upon application made to it, direct security for costs to be given by any or all of the parties who shall reside out of that part of the United Kingdom called Ireland.

2d. That where Letters of Administration are to be granted to one or more persons resident out of the United Kingdom, the administrator's sureties shall always be persons resident in Ireland at the time of their respectively executing the obligations for their respective principals.

3d. That the expense of taking depositions to prove facts confessed in answers or admitted in acts of court, if taken after such confessions or admissions, shall be paid by the party producing the witness, unless the Court shall think fit otherwise to direct.

4th. That when any exhibits are pleaded in supply of proof, the Proctor of the adverse party shall, on the day on which issue is joined on the plea admitted, declare in open Court, or signify in writing to the Proctor exhibiting the pleading, whether he confesses or denies the handwriting as pleaded of such exhibits; and if the handwriting as pleaded of such exhibits be denied, and afterwards proved, the costs occasioned by the proof shall be paid by the party who denied the handwriting, unless the Court shall think fit to direct otherwise.

5th. That in all cases where citations for testimony shall be duly returned, and the person cited shall not then immediately and duly appear, the Court may, on same day on which such citation is returned, pronounce him or her contumacious and in contempt, and may signify the same according to the statute.

6th May 1830. *J. Radcliffe.*

6th July 1830.

Ordered,

That no witness produced and examined in any cause hereafter to be commenced on any special article, shall be afterwards examined on articles additional or otherwise, without special leave of the Judge.

J. Radcliffe.

5th October 1830.

The Commissioners of Inquiry having reported, that in their opinion it would be advantageous to the public that the Procurators-general should be at liberty to take apprentices, with a view to their subsequent admission as Proctors, under limitations to be prescribed by the Judge, and Mr. John Hawkins having properly and honourably consented to waive (so far as he is beneficially interested) all objections to a change of the present practice long meditated by the Judge, whose opinion coincides with that of the abovementioned commissioners;

It is therefore, this 5th day of October 1830, Ordered and Ordained,

That after the 30th day of October instant, the six senior Proctors of the Court, being in actual practice at the time and for the whole term next immediately preceding the pre-

sentation of the petitions hereinafter mentioned by them respectively, be at liberty to take apprentices or articled clerks, with a view to their subsequent admission as Proctors (instead of the Registrars, or his or their deputy, save as hereafter mentioned), until the terms of apprenticeship of the three present apprentices of the Deputy-registrar, Mr. John Hawkins, shall have expired or ended; all said apprentices or articled clerks so to be taken, as well as the apprentices or articled clerks permitted from time to time to be taken by virtue of the rules hereafter made, as well as their respective masters, to be subject to the limitations, rules, orders and regulations hereafter mentioned; that is to say,

1st. That no Proctor of less than ten years' standing be permitted at any time hereafter to take an apprentice or articled clerk, in order to his being admitted a Proctor.

2d. That inasmuch as it is advisable to guard against overstocking the profession, the above-mentioned privilege of Proctors taking apprentices or articled clerks shall be until the terms of apprenticeship of the three present apprentices of the Deputy-registrar are ended, save as hereafter mentioned, confined to the six senior Proctors as aforesaid, being of the standing aforesaid, and that when all such terms of apprenticeship shall have ended as aforesaid, every Proctor (unless the Court shall in the meantime otherwise by writing order and ordain) who shall at the time of presenting his petition as hereafter mentioned be of ten years' standing at the least, and in actual practice as aforesaid, shall be at liberty to take an apprentice or articled clerk under these rules.

3d. That no person be permitted to be taken an apprentice or articled clerk as aforesaid by any Proctor without leave of the Judge for the time being, certified by his signature of approbation at the foot of the petition, which is in every case to be presented to him for leave to take the apprentice or clerk.

4th. That no person be permitted to be articled or bound to any Proctor who shall at the time of the presentment of the said petition be under the age of fourteen years, such his age to be vouched by certificate of the registry of his baptism, or by affidavit, as the case may warrant and require.

5th. That every such petition must be accompanied by a certificate, signed by two respectable persons at the least, of the good moral conduct and the respectability of the literary acquirements of the person so offered to be articled or indented, and that he has not been bound or indented or articled to learn any business or profession other than that of a Proctor or Notary.

6th. That the indenture or articles shall in every case bind and oblige the clerk or apprentice to serve his master in the proper business and profession of a Proctor only for the term of seven years at least from the date and execution of the articles or indenture by all the parties thereto.

7th. That in all cases affidavit must be made by a subscribing witness to the execution of the articles or indenture of the due and actual execution thereof by all the parties thereto, within one calendar month next after the date and execution of the articles; such affidavit to be recorded with the deed in the registry of the Court.

8th. That no person hereafter to be articled or indented be on any account admitted a Proctor except he shall have actually and *bonâ fide* served under and in pursuance of the articles or indenture for the full term of seven years at the least as before mentioned, unless he shall have obtained the full and perfect degree of Bachelor of Arts in one of the universities of Dublin, Oxford or Cambridge; which degree, with five years' actual and *bonâ fide* service under the articles or indenture will be sufficient, instead of seven years' service.

9th. That no one be on any account admitted a Proctor under the age of 21 years, to be vouched as above.—(*See* 4th.)

10th. That no one hereafter to be articled or indented be admitted a Proctor without a competent knowledge of the Latin language.

11th. That if the master of an articled clerk or apprentice hereafter to be bound or articled dies before the end of the term of apprenticeship or clerkship, the clerk or apprentice may, with leave of the Judge, on a petition for the purpose first had and signified in writing at the foot thereof as above mentioned, be admitted to serve out the remainder of his term to any Proctor of not less than ten years' standing at the time of presenting the petition, if bound or articled to a Proctor, and if he shall be apprenticed to the Deputy-registrar, as after mentioned, he may be admitted to serve out the remainder of his term to the Registrar or his deputy, or a Proctor of not less than ten years' standing; and so in like manner may a transfer of the service of the clerk or apprentice be permitted in case of his master's incapacity or other necessary cause, to be allowed by the Judge.

12th. That no Proctor under ten years' standing at the time of presenting his petition, as above prescribed, be permitted to take or have an apprentice or articled clerk, in order to his admission as a Proctor.

13th. That no person be admitted a Proctor at any time hereafter, who shall not produce to the Judge a certificate, signed by his master, of his actual *bonâ fide* service to the profession or business of a Proctor, pursuant to the articles or indenture by which he has or shall have been bound; and that he has not been, to the knowledge or belief of his master, articled or bound to learn any business or profession but that named in the articles or indenture, or as above mentioned, and of his good conduct whilst under his master; such certificate to be countersigned by an Advocate and two Proctors, of ten years' standing at the least; with this qualification, however, that if the certificate be withheld from the clerk or apprentice unreasonably, or not produced from a fatality, he shall be at liberty, if he can do so, to show facts and circumstances sufficient to account satisfactorily for the non-production of such a certificate, which will be considered by the Court.

14th. That

14th. That no Proctor, who shall have liberty to take and shall have taken an apprentice or clerk as aforesaid, be allowed to take a second or other apprentice or articled clerk, with a view to his subsequent admissionas a Proctor, until the term of the clerk or apprentice so taken shall have ended; but that the taking of a clerk or apprentice, merely to serve out the remainder of his term contained in an indenture or articles entered into between him and another master, according to the provisions of the 11th preceding rule, be not considered the taking of a clerk or apprentice under this present 14th rule or order.

15th. That no clerk or apprentice be permitted to be articled or bound to more than one Proctor as his master.

16th. That no Proctor, whether one of the six senior Proctors or others qualified at any time to take any apprentice or articled clerk under and by virtue of these rules or orders, who shall be or become partner with another Proctor or Proctors, any one of whom, at or before the time of presenting his petition as aforesaid for leave to take an apprentice or clerk, shall have taken a clerk or apprentice, except under the provisions of the 11th of the foregoing rules, shall have liberty to take an articled clerk or apprentice until he shall have *bonâ fide* ceased finally to be a partner with the Proctor having the clerk or apprentice as aforesaid, during the term for which such clerk or apprentice was articled or bound, every such ceasing to be proved by affidavit. It being the true intent and meaning of this present 16th rule or order, that when any one member of a firm shall (except under the 11th preceding rule) have taken a clerk or apprentice, either before or after his becoming partner with another Proctor or Proctors, no other member of the firm shall, whilst such partnership endures, have liberty to take a clerk or apprentice with a view to his admission as a Proctor.

17th. That it shall, in every petition for leave to take a clerk or apprentice as aforesaid, be stated whether or not the petitioner has become, or is about to become, partner with any other Proctor or Proctors.

18th. That Mr. John Hawkins be at liberty, when the present number of his three present apprentices shall have been reduced to one, and not sooner, to take an apprentice or articled clerk with a view to his being admitted a Proctor, if and although the said John Hawkins shall be then a Deputy-registrar; and that no other articled clerk or apprentice be ever afterwards taken by the Registrar or Registrars, or his or their deputy or deputies; such one clerk or apprentice to be, as well as his master, subject to all and every the rules, regulations, conditions and limitations contained in these rules, and every of them, so far as the same can be made applicable and applied to the case of the clerk or apprentice to be hereafter taken by the Deputy-registrar instead of being taken by a Proctor; this privilege of taking one apprentice or articled clerk reserved to Mr. Hawkins being agreeable to the equitable construction of former regulations existing before his waiver of objections to the change of the practice.

19th. On the expiration of his term, every apprentice or articled clerk is to proceed in every of the said cases to procure his notarial faculty in the usual way.

20th. Before the articled clerk or apprentice is admitted a Proctor, he must procure the Judge's fiat for the purpose, and cause himself to be presented to the Judge in open Court by two Proctors, each of ten years' standing. The fiat is then to be read in open Court; the legal and usual oaths administered; on the taking whereof the Judge will admit the candidate a Proctor, and assign him a seat in the Court.

The above rules, like all others, to be subject to be added to, revised and altered by the Court, as justice and the public benefit may warrant or require. The present Judge cannot bind his successors, but pledges himself never to admit any person a Proctor who shall not have been an articled clerk or indentured apprentice.

J. Radcliffe.

Orders made 5th October 1830.

1st. Where proceedings are carried on *in pœnam contumaciæ*, witnesses may be produced and sworn before the Judge in his chamber, as well as in open Court, and such production shall be immediately entered and recorded by the Registrar in his book; but the witness or witnesses so produced shall not be repeated to his or their depositions until the expiration of 48 hours from the time of the witness's production, which time is to be recorded by the Registrar.

2d. That the Proctor of a party taking out a citation or other process shall, on the day of its return, be prepared to exhibit his proxy, and to proceed in the cause by taking the first step therein, according to the nature of the proceedings.

3d. That any party who shall have been served with a citation or other process to appear, and who shall appear on the day assigned therein for the appearance, shall be dismissed with costs, unless the party issuing such citation or process shall return the same, and be prepared to proceed in the suit; for which costs the proctor taking out such citation or other process shall be answerable.

4th. That the Proctor appearing for a party cited to appear, shall be prepared with his proxy, and shall exhibit the same on entering such appearance.

5th. That in all cases the Court may extend the time, on reasonable cause shown.

6th. That no Proctor or officer of the Court shall, directly or indirectly, make or cause to be made against or from any party or Proctor, for, on or in order to, or after the extraction of a Probate or Letters of Administration, or other proceeding, whether voluntary or contentious, any claim or charge, in any shape, form or disguise, or on any account or pretence whatsoever,

whatsoever, of any sum or sums of money as and for a bonus or fee, for or on account of solicitation, or otherwise, reward, premium or gratuity, to be given, paid or applied, directly or indirectly, to or for the use, benefit or advantage of any person or persons not being a practitioner or officer of the Court.

It would be well for gentlemen to advert to the Act 54th Geo. III., c. 68, 40, 9, 10.

J. Radcliffe.

23d October 1830.

On consideration of the Report of the Commissioners of Inquiry, so far as the same relates to the after-mentioned fee, and in accordance with the suggestions of Mr. John Hawkins, one of the Deputy-registrars, it is ordered by the Judge, That the fee of 10*s.* 6*d.* (present currency), charged for several years last past under the name of "Court-keepers' and Criers' fees," on decrees without written sentence in interest causes, and which has been applied in improving and defraying expenses of the Court and offices belonging thereto, be no longer received from or charged against any party, or his or her Proctor or Proctors.

J. Radcliffe.

7th December 1830.

Ordered,

That in all causes hereafter to be commenced, no more than one special allegation be admitted without leave of the Judge first had for the purpose.

J. Radcliffe.

Thursday, 3d February 1831.

Ordered by the Court,

That each examiner do retain in his private custody, until he shall cause the same to be returned carefully sealed up to the Court, or delivered to the acting Registrars, or his or their deputy or deputies, all depositions and interrogatories taken by and lodged with such examiner from time to time, whether such depositions and interrogatories be so taken and lodged in town, or on commissions or requisitions; and that no depositions or interrogatories taken by or lodged with an examiner in town be delivered to the Registrar or his deputy until the Court shall by its order permit them to be published.

2d. That no person or officer be permitted to inspect or otherwise to be informed of the contents, substance or effect, in the whole or in part, directly or indirectly, of all or any part of any deposition or interrogatory taken by or lodged with an examiner, in town or on a commission or requisition, until the same shall, by order of the Court, be permitted to be published as aforesaid, except the examiner and the Judge himself.

3d. Ordered, That a rotation be now established between the examiners, whereby, and according to which, the examiners are respectively to undertake the examination of witnesses in causes and proceedings, whether in town or on commissions or requisitions; and that in order thereto, the present examiners be at liberty to furnish to the Judge forthwith a scheme of such rotation for his approval and sanction.

That such scheme, when so sanctioned, be annexed to this order, and afterwards followed and observed, without any departure therefrom, except by the written consent of the examiners, or special order of the Judge, in the particular case wherein he may consider it inconvenient that such rotation shall be observed.

John Radcliffe.

8th February 1831.

Ordered,

That no citation do hereafter issue to appear in a cause for suppression of a will or testamentary paper, until after an affidavit shall have been filed, entitled, "In the goods of the deceased," stating (if there be but one person to be cited) that the deponent is informed and believes, that said will or testamentary paper is in the power or possession of the person to be cited; and (if more than one person is to be cited) that the deponent is informed, and believes, that the will or testamentary paper is in the power or possession of the said persons, naming them (as the case may be), some or one of them, but of which of them particularly the deponent cannot form a belief (if such be the fact).

J. Radcliffe.

Ordered,

12th February 1831.

Ordered,

That the rotation between the examiners be in future by alternate causes, according as there is a negative issue joined in them in the Court; the examination and cross-examination of all the witnesses in the respective causes, whether in Dublin or on commissions or requisitions, to be made by the examiner as commissioner, or otherwise, to whom the cause by the above arrangement shall belong; the name of the allotted examiner to be inserted in the rule-book immediately after the entering the negative contest or joining the issue in each case.

This being agreed on by the examiners is ordered accordingly by the Judge.

John Radcliffe.

10th March 1832.

Ordered,

That in all cases of opposition to the admission of allegations or pleadings due, and timely notice in writing be given (before the said opposition be set down to be argued) to the pleader's Proctor of the particular grounds whereon such opposition is founded, whether by reason of the insufficiency of the whole allegation or pleading, or of specific articles thereof only, or of both; and that it be not sufficient to give notice that the allegation or pleading, or any articles or article of the same, is insufficient, inept, irrelevant or defective, without in such notice specifying shortly and in substance the grounds of objection to the allegation or pleading or particular articles, in order that the pleader may avoid the delay and expense of an argument of such opposition, by reforming his allegation or pleading, if so advised, on payment of the costs (if any) of the said opposition.

J. Radcliffe.

29th March 1832.

1st. It is ordered by the Judge, That in cases of administrations to be granted for the sole purpose of substiantiating proceedings in Courts of Equity, same may be granted without annexing to the Letters of Administration the wills or testamentary papers of the deceased persons to whom such representation shall be sought.

2d. It is ordered also, That in all cases of extractions of Probate or Letters of Administration, the professional persons extracting the same do plainly and intelligibly distinguish in his or their bills or accounts of the costs, charges and expenses of and in respect thereof, the sums payable and paid as and for the stamp-duty on every such Probate or Letters of Administration from the sum or sums payable to such persons respectively, as and for his and their own fee and fees and those of the Judge and officers, for and in respect of every such extraction.

J. Radcliffe.

20th August 1833.

Inasmuch as the Crier of the court, Joseph M'Fadden, who received the sum of 1*s.* 1*d.*, late currency, as a fee on the grant of Probates and Letters of Administration to persons sworn before the Judge out of Court, is dead, and inasmuch as the Commissioners of Inquiry recommended that fee (which was commonly considered as paid to him and former criers as the Judge's servants) to be in future discontinued;

It is ordered by the Judge, That the said fee be and is hereby abolished, and shall not be at any time hereafter paid under any name or pretence to any crier or Judge's servant.

5th October 1833.

1st. Ordered, That in case after a final sentence or interlocutory decree having the force and effect of a definitive sentence in writing, pronouncing for the will or intestacy of a deceased person, a new suit being commenced, seeking to draw in question the right of representation to the same deceased person, the party relying on such sentence or decree be at liberty to make defence or opposition to such new proceeding by way of exception, or by act or protest, as he may be advised.

N.B.—This was verbally notified in 1831.

2d. Ordered and declared, That it is sufficient, without setting forth the contents of deeds at length, to lodge them in the registry and refer to them as there remaining, and to recite in the pleading the material part only, and that shortly; and that this course be in future strictly followed.

3d. That in all cases of decrees for public edicts against persons absent abroad, and having prior claims to the grant of Administration, they must be served, not only by posting on the Royal Exchange, but also on the agent of the absent party, unless it shall appear by affidavit that such party has no agent in Ireland.

4th. That every affidavit of interest in creditors' suits do, in addition to the statement of their debts and the value of the assets, set forth whether the creditor has the security of any and what other person or persons for such debt.

COURT OF FACULTIES,

30th October 1817.

Ordered, That in future no special licenses or dispensations for marriage be issued, except to the following description of persons:—

1st. Peers and Peeresses, and their respective children and grandchildren.

2d. Privy Councillors and their children.

3d. Members of Parliament, and persons who have been such, and their respective children.

4th. Great Officers of State.

5th. Baronets and their children.

6th. Knights, including Knights Companions of the Bath.

7th. Judges, spiritual and temporal, and their children.

8th. King's Counsel.

9th. Deans of Churches.

10th. General Officers and Admirals.

11th. State Physicians, and Physician and Surgeon General.

12th. Officers of the King's Household.

13th. Officers of the Lord Lieutenant's Household; that is to say, the Private Secretary, Chaplains, Aid-de-Camps, the Steward and Comptroller of the Household, the Chamberlain, and Gentleman Usher.

14th. Doctors in Divinity.

And it is further ordered, That the above be hung up in a conspicuous place in the Registry.

This Rule made by desire of his Grace the Archbishop of Armagh, Primate, &c.

J. Radcliffe.

Ordered,

That no person, being at the time partner in or in the employment of any bank or branch bank in any town or district in the country, as cashier, secretary or otherwise, be admitted a Public Notary for such district or town, and that all persons seeking the office of Notaries in towns or districts in the country be required, previous to their respective admissions thereto, to subscribe a written engagement not to practise as such Notaries whilst they shall be so partners or employed as above mentioned, in case they shall after their admission become so partners or be employed as above, and that every such engagement be recorded by the registrar with the faculty, and entered in the book to be kept pursuant to the rule of 4th March 1817.

J. Radcliffe.

It is this day (that is to say, the 18th November 1834) Ordered by the Judge,

That every Proctor, who shall procure a citation to be issued forth of this Court, do cause his christian and surname to be plainly and legibly written on the face of such citation, and on the face of every copy to be made thereof, for service, before the same shall be served on the party or parties to be cited, specifying the party for whom he is the Proctor.

That this rule or order do extend to such citations only as shall issue after the 22d day of November instant.

J. Radcliffe.

Ordered by the Judge, the 29th of November 1836,

That in future all grants "*durante absentiâ*" to administrators shall be limited for the use and benefit of , now absent from that part of the United Kingdom called Ireland, and resident at , and until (or one of them) shall duly apply for and obtain (Probate or Letters of Administration, as the case may be,) to the said deceased, but no longer, further or otherwise.

(A true copy.) *John & M. Hawkins,*
Deputy Registrars.

AT a Meeting of the Profession of PROCTORS, held in the PREROGATIVE COURT on Thursday the 4th November 1830,

The following RESOLUTIONS were unanimously passed:—

First, THAT we, the undersigned Proctors of the Prerogative Court, have observed with much concern, that certain insinuations have been thrown out in a part of the evidence published in the Appendix to the 19th Report of the Commissioners of Inquiry into the Fees of Courts of Justice in Ireland, tending to criminate the Deputy-registrar of the Prerogative Court, as having pursued improper practices in his office in the business of extracting Probates and Administrations, thereby seeking to gain for himself an unfair advantage over the other Proctors; and we, in consequence, deem it due to the Deputy-registrar, to declare, as we do, collectively and individually, that we have never known or experienced any such unfair or improper practices on the part of the said Deputy-registrar, and we are fully convinced that none such exist or have existed in fact or reality.

Secondly, That the Deputy-registrar has, in our opinion, invariably discharged his public duties with integrity, ability and zeal; and from our experience we are enabled to attest, that the suitors of the Court and the public at large have derived much advantage from the impartial, honest and enlightened manner in which he has conducted the business of his office.

Thirdly, That whatever objection may be supposed to lie against the union of the office of Deputy-registrar with that of Proctor or taxing-officer (on which it is not for us to offer an opinion), we are convinced that no improper practices have ever been employed or tolerated in consequence thereof by the present Deputy-registrar, being decidedly of opinion that his character and practice stand too high to allow of even a supposition that his performance of the several duties of those distinct departments would ever have been permitted by him to clash or interfere in any improper or culpable way.

Fourthly, That we should be wanting in a due expression of our feelings towards the Deputy-registrar on such an occasion, did we not take the opportunity to declare, as we sincerely do, that we hold his character as an officer and as a man in the highest esteem, and that there is no individual of our acquaintance in whose probity, honour and integrity we and each of us would more readily and unhesitatingly repose our entire confidence, either in relation to the transactions of private life, or in relation to his department as an officer of the Court.

Will^m Tho. Barlow.
Hans Hamilton.
A. Ormsly.
William C. Rogers.
John Moore.
W^m S. Kildale.
Tho. Tilly.
Beresford Worthington.
Hen. F. Stock.
John Bleukley.
Henry Radcliff.
Folliot T. Mostyn.
Jos. Hamilton.
John Smith.
John Grier.

PREROGATIVE COURT, FRIDAY, 5 JUNE 1812.

IT was this day ordered by the Judge, that the SCALE of FEES on PROBATES and ADMINISTRATIONS used in Doctors' Commons, as certified to as the Rule for their Charges; agreeably to which

PROBATES.

	£.30, and under £.100.	£.200.	£.300.	£.400.	£.500.	£.600.	£.700.	£.800.	£.900.
	10s. Stamp.	£. 1. 10.	£. 2.	£. 3.	£. 4.	£. 5.	£. 6.	£. 7.	£. 8.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Writing Jurats, &c.	– 4 4	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8
Registering, &c.	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10
Ingrossing, Collating and Entering 3s. 4d. per Sheet, (exclusive of Parchment).									
Probate under Seal and Stamp	2 6 –	3 11 –	4 3 6	5 8 6	6 13 6	7 18 6	9 3 6	10 8 6	11 13 6
Extracting same	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8
Registrar's Clerks and Judge's Servant	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½
£.	3 12 7½	5 – 11½	5 13 5½	6 18 5½	8 3 5½	9 8 5½	10 13 5½	11 18 5½	13 3 5½

	£. 25,000, and under £. 30,000.	£. 35,000.	£. 40,000.	£. 45,000.	£. 50,000.	£. 60,000.	£. 70,000.	£. 80,000	£. 90,000.
	£. 260.	£. 310.	£. 360.	£. 410.	£. 460.	£. 550.	£. 650.	£. 750.	£. 850.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Writing Jurats, &c.	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8
Registering, &c.	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10	– 11 10
Ingrossing, Collating and Entering 3s. 4d. per Sheet, (exclusive of Parchment).									
Probate under Seal and Stamp	299 11 6	355 1 10	410 12 8	466 3 –	521 13 4	621 11 10	732 13 –	843 13 8	954 14 4
Extracting same	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4
Registrar's Clerks and Judge's Servant	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½
£.	301 8 1½	356 18 5½	412 9 3½	467 19 7½	523 9 11½	623 8 5½	734 9 7½	845 10 3½	956 10 11½

If sworn by Commission, the first Charge

Fiat for Commission and Attendance	
Commission under Seal and Stamp	
Returning Commission	

ADMINISTRATIONS

	£.30, and under £.100.	£.200.	£.300.	£.400.	£.500.	£.600.	£.700.	£.800.	£.900.
	Stamp, 10s.	£. 1. 10.	£. 2.	£. 3.	£. 4.	£. 5.	£. 6.	£. 7.	£. 8.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Warrant, &c.	– 7 4	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8
Oath and Attendance	– 4 4	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8
Stamp on Bond	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10
Administration under Seal and Stamp	2 11 2	3 16 2	4 8 8	5 13 8	6 18 8	8 3 8	9 8 8	10 13 8	11 18 8
Extracting same	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8	– 6 8
Registrar's Clerks and Judge's Servant	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½
£.	4 4 1½	5 15 9½	6 8 3½	7 13 3½	8 18 3½	10 3 3½	11 8 3½	12 13 3½	13 18 3½

	£. 25,000, and under £. 30,000.	£. 35,000.	£. 40,000.	£. 45,000.	£. 50,000.	£. 60,000.	£. 70,000.	£. 80,000.	£. 90,000.
	£. 260.	£. 310.	£. 360.	£. 410.	£. 460.	£. 550.	£. 650.	£. 750.	£. 850.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Warrant, &c.	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8	– 10 8
Oath and Attendance	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8	– 7 8
Stamp on Bond	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10	– 10 10
Administration under Seal and Stamp	299 16 8	355 7 –	410 17 10	466 8 2	521 18 6	621 17 –	732 18 2	843 18 10	954 19 6
Extracting same	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4	– 13 4
Registrar's Clerks and Judge's Servant	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½	– 3 9½
£.	302 2 11½	357 13 3½	413 4 1½	468 14 5½	524 4 9½	624 3 3½	735 4 5½	846 5 1½	957 5 9½

If sworn by Commission, the two first Charges omitted,

- - - - - PREROGATIVE COURT, Friday, 5 June 1812.

him by the Right honourable Sir *William Scott*, and now lodged with the Registrar, shall be adopted and made use of by the Proctors of this Court Order the following Charges are to be made:

- - - - - - - - - PROBATES.

£. 1,000.	£. 1,500.	£. 2,000.	£. 3,500.	£. 5,000.	£. 7,500.	£. 10,000.	£. 12,500.	£. 15,000.	£. 17,500.	£. 20,000.	£. 25,000.
£. 9.	£. 15.	£. 20.	£. 35.	£. 60.	£. 75.	£. 90.	£. 110.	£. 135.	£. 160.	£. 185.	£. 210.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8
- 11 10	- 11 10	- 11 10	- 11 10	- 11 10	- 11 10	- 11 10	- 11 10	- 11 10	- 11 10	- 11 10	- 11 10
12 18 6	20 11 10	26 16 10	45 15 2	77 10 2	94 3 2	110 16 2	133 - 6	160 15 8	188 10 10	216 6 -	244 1 2
- 6 8	- 6 8	- 6 8	- 6 8	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4
- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½
14 8 5½	22 1 9½	28 6 9½	47 5 1½	79 6 9½	95 19 9½	112 12 9½	134 17 1½	162 12 3½	190 7 5½	218 2 7½	245 17 9½

£. 100,000.	£. 125,000.	£. 150,000.	£. 175,000.	£. 200,000.	£. 250,000	£. 300,000.	£. 350,000.	£. 400,000.	£. 500,000 and upwards.	
£. 950.	£. 1,200.	£. 1,400.	£. 1,600.	£. 2,000.	£. 2,500.	£. 3,000.	£. 3,500.	£. 4,000.	£. 5,000.	£. 6,000.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
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1,065 15 6	1,343 7 8	1,565 9 -	1,787 10 10	2,231 14 -	2,786 18 4	3,342 2 8	3,897 6 6	4,452 10 10	5,562 19 -	6,673 7 8
- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4
- 3 9½	- 8 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½
1,067 12 1½	1,345 4 3½	1,567 5 7½	1,789 7 5½	2,233 10 7½	2,788 14 11½	3,343 19 3½	3,899 3 1½	4,454 7 5½	5,564 15 7½	6,675 4 3½

omitted, and the following made:

	£.	s.	d.
- - - - - - - - - -	-	6	8
- - - - - - - - - -	2	11	5½
- - - - - - - - - -	-	6	8

- - - - - - - - ADMINISTRATIONS.

£. 1,000.	£. 1,500.	£. 2,000.	£. 3,500.	£. 5,000.	£. 7,500.	£. 10,000.	£. 12,500.	£. 15,000.	£. 17,500.	£. 20,000.	£. 25,000.
£. 9.	£. 15.	£. 20.	£. 35.	£. 60.	£. 75.	£. 90.	£. 110.	£. 135.	£. 160.	£. 185.	£. 210.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s d.	£. s. d,
- 10 8	- 10 8	- 10 8	- 10 8	- 10 8	- 10 8	- 10 8	- 10 8	- 10 8	- 10 8	- 10 8	- 10 8
- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8
- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10
13 3 8	20 17 -	27 2 -	46 - 4	77 15 4	94 8 4	111 1 4	133 5 8	161 - 10	188 16 -	216 11 2	244 6 4
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15 3 3½	22 16 7½	29 1 7½	47 19 11½	80 1 7½	96 14 7½	113 7 7½	135 11 11½	163 7 1½	191 2 3½	218 17 5½	246 12 7½

£. 100,000.	£. 125,000.	£. 150,000.	£. 175,000.	£. 200,000.	£. 250,000	£. 300,000.	£. 350,000.	£. 400,000.	£. 500,000, and upwards.	
£. 950.	£. 1,200.	£. 1,400.	£. 1,600.	£. 2,000.	£. 2,500.	£. 3,000.	£. 3,500.	£. 4,000.	£. 5,000.	£. 6,000.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
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- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8	- 7 8
- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10	- 10 10
1,066 - 8	1,343 12 10	1,565 14 2	1,787 16 -	2,231 19 2	2,787 3 6	3,342 7 10	3,897 11 8	4,452 16 -	5,563 4 2	6,673 12 10
- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4	- 13 4
- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½	- 3 9½
1,068 6 11½	1,345 19 1½	1,568 2 5½	1,790 2 3½	2,234 5 5½	2,789 9 9½	3,344 14 1½	3,899 17 11½	4,455 2 3½	5,565 10 5½	6,675 19 1½

and the above Fees for Commission substituted.

IN the matter of the COMMISSION appointed to inquire into the DUTIES, SALARIES and EMOLUMENTS of the several OFFICERS, CLERKS and MINISTERS of JUSTICE in all Temporal and Ecclesiastical Courts in *Ireland*.

AFFIDAVIT of Mr. *Joshua Cunningham*, of 11th May 1837.

Joshua Cunningham, of Lower Rutland-street, in the city of Dublin, in Ireland, aged thirty years and upwards, maketh oath and saith, That he hath lately inspected and read over the printed examination and evidence of John Swift, one of the Proctors of the Court of Prerogative in Ireland, as taken in Dublin, before the Commissioners appointed in this matter, on the 11th, 13th, 18th and 27th days of November in the year 1829; the examination and evidence so printed being the same as was ordered to be printed, and since made public, pursuant to an Order of the House of Commons, bearing date the 27th day of April 1830, and called "The Nineteenth Report on Courts of Justice in Ireland," and to which, or a copy thereof, this deponent has, at the time of making this affidavit, affixed his initials.

Saith, That although he is described in the said examination and evidence, as well as in the Report of the Commissioners thereon, as Joseph Cunningham, this deponent is the individual meant and referred to therein, a mistake having occurred in describing him as Joseph instead of Joshua.

Saith, That the evidence given by the said John Swift before said Commissioners, as it is reported in said printed examination and evidence, is untrue and unfounded in many respects, to this deponent's knowledge. Saith, that according to the evidence so given by the said John Swift, and in his answer to query 25, in the Appendix to the Report in said matter, being at page 186 thereof, he is reported to have given evidence in the words and to the effect following:

"Mr. Hawkins (the Deputy-register) has every opportunity, and I know has often availed himself of it, of expediting his own business in preference to the profession generally. I shall instance one very particular case, which I had from a clerk: Mr. Hawkins was employed to extract a Probate for some person in Dame-street, I think, belonging to the office of Mr. Bruce; at this time the Judge being absent, he was not only entrusted with the seal of the Court, but was empowered to swear Executors and Administrators; he took the seal of the Court with him, swore the party, obtained the necessary stamp, filled up the article in the office of the person who employed him, sealed and gave it to him. I think the clerk who told me this was Mr. Joseph Cunningham."

This deponent saith, That he never at any time, either before said examination or since, either directly or indirectly, informed the said Swift to the effect so stated by him; nor had he at any time any conversation whatsoever with the said Swift upon the subject in said Swift's evidence mentioned, save and except that deponent, since the publication of said evidence, informed him that it was probable he would be obliged, in common justice to said Mr. Hawkins, to reply by affidavit to said Swift's statements. Neither does deponent know of any case having ever occurred as stated by the said Swift. Saith, that according to the said printed Report and Evidence, the said John Swift, in answer to query 58 of his examination, and in page 190, is set forth as having delivered evidence in the words following:

"I have been informed by Mr. Joseph Cunningham (meaning deponent), one of the clerks in the office, that in cases in which Mr. Hawkins is employed, and when a *caveat* is expected, the clerk will be directed to bring the article to the Seal, and if the Judge is not at home, the directions are, that the article in question shall not be returned to the office, giving any person who inquires relative to it to understand that it has been sealed: this I heard on the nineteenth day of February one thousand eight hundred and twenty-eight from Mr. Cunningham, as appears by my day-book, in which I made an entry of the conversation."

This deponent saith, That he never, either directly or indirectly, on the said eighteenth day of February one thousand eight hundred and twenty-eight, or at any other time whatsoever, informed the said John Swift in manner or to the effect so stated by him; but saith, that though now nearly fourteen years in the office of the said John Hawkins, as Deputy-register of the Court of Prerogative in Ireland, he never knew of such a case occurring as is described and stated by said Swift, or any direction or directions given as stated by him, either by the said John Hawkins or any one in his office. Saith he admits it to be true that in cases where Letters of Administration were required in a great hurry by a Proctor or Solicitor, and that circumstances arose which made their obtainment essential for the saving of the assets in the matter, or other sufficient cause, after fiat was made thereon by the Judge, the said John Hawkins was in the habit of signing the instrument as registrar, and forwarding same by a confidential clerk to the Judge's house, to have the seal affixed thereto; but saith that it was always the invariable practice and made a strict rule with the said John Hawkins, that should any person whatsoever apply at the office with a *caveat* previous to the sealing and delivering out of the Letters of Administration or Probate, same would be received and recorded, and would stop the issuing of such Probate or Administration.

Joshua Cunningham.

Sworn before me this eleventh day of May One thousand eight hundred and thirty-seven, at my house in Merrion-square, Dublin.

J. Leslie Foster,
Third Baron of the Court of Exchequer in Ireland.

REPORT

FROM THE

SELECT COMMITTEE

APPOINTED

TO INQUIRE INTO THE STATE OF THE

PREROGATIVE AND ECCLESIASTICAL COURTS IN IRELAND;

WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1837.

[*Price* 1*s.* 2*d.*]

412.

REPORT

FROM THE

SELECT COMMITTEE

ON

EAST INDIA MARITIME OFFICERS;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
26 *May* 1837.

Martis, 4° *die Aprilis*, 1837.

Ordered, That a Select Committee be appointed to inquire into the Petition of Captains Newall, Barrow and Glasspoole, Commanders of the late Maritime Service of the East India Company, complaining that the Compensation to which they are entitled has been withheld from them by the Board of Control.

And a Committee was appointed of,—

Mr. Bagshaw,	Mr. George Palmer,
Mr. Ewart,	Mr. Praed,
Mr. Robert Cutlar Fergusson,	Sir John Rae Reid,
Mr. Hastie,	Mr. Robinson,
Mr. Labouchere,	Lord Granville Somerset,
Mr. Lynch,	Mr. Alderman Thompson,
Mr. Marjoribanks,	Mr. George Frederick Young.

Ordered, That the Committee have power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

Lunæ, 24° *die Aprilis*, 1837.

Ordered, That Mr. Robert Cutlar Fergusson, Mr. Labouchere and Mr. Ewart, be discharged from further attendance; and that Mr. Alderman Wood, Captain Alsager and Mr. William Williams, be added to the said Committee.

Jovis, 18° *die Maii*, 1837.

Ordered, That the Committee have power to report the Minutes of Evidence taken before them to The House.

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MINUTES OF EVIDENCE - - - - - - p. 1

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REPORT.

THE SELECT COMMITTEE, to whom the Petition of Captains *Newall*, *Barrow*, and *Glasspoole*, Commanders of the late Maritime Service of the East India Company, complaining that the Compensation to which they are entitled has been withheld from them by the Board of Control, was referred; and who were empowered to report their Opinion, and the MINUTES of the EVIDENCE taken before them, to The House;——

HAVE, pursuant to the Order of The House, examined Evidence on the allegations contained in the said Petition, and having duly considered the prayer of the Petitioners, have agreed to the following RESOLUTIONS and REPORT, which, together with the Minutes of Evidence taken before them, they have also agreed should be reported to The House.

Resolved,

1. That it appears to Your Committee, that in the year 1833, on the approaching termination of the period during which the exclusive right of trading from the United Kingdom to China was secured to the East India Company, negociations were opened with the Company by His Majesty's Government, having for their object the surrender of the general right of trading possessed by the Company in perpetuity under their charter; and that such negociations led to an arrangement by which, on certain conditions, the Company consented to place at the disposal of Parliament the whole of their property, territorial and commercial, and agreed to the suspension of their right to trade in common with others of His Majesty's subjects.

2. That among the conditions most strenuously insisted on by the Company was, "the necessity of making provision out of the Company's property for suitable pensions to the servants of the Company, whose interests might be affected by the change of system;" that this condition was expressly admitted by Mr. Charles Grant, then President of the Board of Control, who assured the Court of Directors that it would be his "anxious desire, as well as his duty, to co-operate with the Court in every effort to fulfil the obligations of justice and liberality towards the officers and dependants of the Company;" that the maritime servants of the Company were, by express arrangement, included in this condition; and that, in order to give effect to it, the seventh clause of the India Act (3 & 4 Will. IV. c. 85,) was altered and framed as follows:

> "Be it therefore Enacted, That it shall be lawful for the said Company to take into consideration the claims of any persons now or heretofore employed by or under the said Company, or the widows and children of any such persons, whose interests may be affected by the discontinuance of the said Company's trade, or who may from time to time be reduced; and, under the control of the said Board, to grant such compensations, superannuations, or allowances, as shall appear reasonable."

3. That in pursuance of the provisions of the said Act, a scale of compensations, gratuities, and pensions to the commanders and officers of the

maritime service was, after much discussion and correspondence, arranged by the Company, and sanctioned by the Board of Control.

4. That in awarding compensation according to that scale, a regulation was proposed by the Board of Control, and adopted, that such "compensation, whether pension or gratuity, should be given to such commanders and officers only as have been in actual employ in the service within the period of five years antecedent to the 28th August 1833, upon their declaring that it was their intention to continue to follow their profession in the maritime service of the Company;" and that the following form of declaration was, in consequence, submitted by the Court of Directors, and approved by the Board of Control:

> "I do hereby declare, that I had not previously to August 1833 quitted the maritime service of the Company, for the purpose of either retiring from it, or of following any other pursuit; and that if the Company had gone on trading in common with the public, it was my intention to have continued to follow the maritime profession in their service."

5. That compensation has accordingly been granted to a large number of commanders and officers, and it does not appear that (with the exception of the Petitioners) it has been refused to any commander who has been in actual employ within the prescribed time, and has subscribed the declaration.

6. That the Petitioners were in actual employ within the period of five years antecedent to the 28th August 1833, and have signed the declaration. But that the ships they respectively commanded were the property of the Company, in which ships, by the regulations at that time in force, no commander could continue in his command more than five voyages; and that each of the Petitioners had completed the number of voyages to which they were so limited.

7. That no distinction whatever, as to rank, pay, or privilege, was ever made by the Company between commanders of ships which were their own property, and those of ships chartered by them in their freight service; and that the limitation to five voyages in command of a Company's own ship, involved no ineligibility to further command in a Company's freighted ship; the Court of Directors having expressly authorized an intimation to the Petitioners, after the conclusion of their five voyages, that they "were eligible to commands in the freighted service, and that had the Company continued to trade, and they had been presented for such commands, they would have been accepted accordingly."

8. That when the Petitioners originally submitted their claims to pension, the limitation of voyages in Company's *own* ships appears to have induced the Finance and Home Committee of the Directors, on the 28th January 1835, to object to the admission "of commanders of Company's own ships who had completed the limited number of five voyages;" but the Court of Directors not confirming the objection, the question was reconsidered by the Finance and Home Committee, who on the 11th February recommended that such commanders, "on furnishing the required documents, should be admitted to the benefit of maritime compensation;" that on the 18th February this recommendation was confirmed by a resolution of the Court of Directors, which resolution was, on the 21st February, submitted for the approbation of the late Board of Control; that on the 21st March, the Board, in a letter signed by Mr. Praed, the Secretary, declined to concur in the resolution, on the ground that there had been

no "instance of a commander of the Company's own service having completed his five voyages, and resuming the active pursuit of his profession;" and that therefore "the Board were at a loss to discover on what grounds it was considered that these classes of officers had been injured by the cessation of the Company's trade;" that the case was in consequence brought before a General Court of Proprietors, by whom it was, on the 16th December 1835, unanimously resolved, that the Petitioners were "entitled to the pension" they claimed, which resolution was, on the 26th December, communicated to the present Board of Control in a letter, in which it was stated "that it would afford much satisfaction to the Court of Directors, if the Board of Commissioners, upon a reconsideration of the case, should be induced to sanction the admission of these commanders to the benefit of the compensation regulations;" but that on the 2d February 1836, Mr. Vernon Smith, the Secretary, in reply to this communication, intimated that the Board were "compelled to adhere to the decision conveyed in Mr. Praed's letter of the 21st March, that the commanders of the Company's own ships who had completed the number of five voyages, to which they were limited by the Court's regulations, have not been injured by the cessation of the Company's trade, and therefore are not entitled to compensation."

9. That in the arrangement of the scale of compensations a special provision was made, distinct from the annual pension, for payment of a fixed amount as an estimated equivalent for loss supposed to have been sustained by commanders and officers of ships owned or chartered by the Company who had not completed the number of voyages for which they were respectively engaged, which amount was based on the supposed value of the privileged tonnage to which such commanders or officers would have been entitled under a system of open trade.

10. That at the termination of the Company's right of trading, there were seven commanders of ships owned by the Company who had not completed the number of voyages to which, by the regulations, they were restricted; and five commanders of ships in the freighted service, the voyages of which, according to the terms of their charters, were incomplete; the number of unexpired voyages varying in each case from one to three: that the whole of the said commanders have received the compensation calculated as the value of their unperformed voyage or voyages; and all have, *in addition*, been admitted to the pension claimed by the Petitioners.

11. That in January 1835, Captain Charles Mangles applied to be admitted to pension, and subscribed the declaration; that on the 5th February, the Court of Directors replied to Captain Mangles, "that as, previously to August 1833, he had entered into business as an agent, they did not consider him entitled to compensation;" that on the 9th February, Captain Mangles submitted to the Court an explanatory letter, accompanied by certificates from Mr. Octavius Wigram, a managing owner of East India ships, stating his readiness to have employed Captain Mangles, and from Mr. Frederick Mangles, his own brother and partner, who declared that, "on entering into business as East India agents, it was clearly understood, that should Captain Mangles obtain the command of a ship in the East India Company's service, Mr. Frederick Mangles was to carry on the business alone;" that on the 20th March the Court resolved, "that Captain Mangles should be admitted to the annuity

compensation;" that this resolution was on the 20th March submitted to the Board of Control; that on the 30th April, Sir John Hobhouse being then President, the Board replied, "that as the Court of Directors had satisfied themselves of the truth of the declaration made by Captain Mangles, the Board was of opinion, that the annuity compensation in the Court's resolution might be granted to him;" and that it has been granted accordingly.

12. That the Petitioners have submitted to the Board of Control certificates from managing owners of East India ships, stating that "they would have presented the Petitioners to commands, had the Company's maritime trade not been abolished;" that the Court of Directors have intimated that they are satisfied of the truth of the declaration made by the Petitioners; and that the Petitioners have supported, by the corroborative testimony of respectable witnesses, the allegation, that it was their intention to have followed the maritime profession in the Company's employ, if the Company's right of trading had not been discontinued.

13. That the total number of commanders who have completed five voyages in ships owned by the Company, since the date of the regulation by which the number was limited, is only five (exclusive of the Petitioners), a number too small to warrant the general conclusion that no individual so circumstanced would have resumed the active pursuit of his profession; that this presumption is further negatived by the circumstances attending each of the five cases to which the limitation has applied; as it appears that one of those commanders, (Captain Patterson,) commanded a Company's own ship seven voyages, three of them having been previous to the establishment of the restrictive regulation; Captain Sotheby, a second, had commanded a freight ship two voyages previous to his five in the Company's own ships; Captain Cameron, a third, had also previously commanded a freight ship three voyages; Captain Manning, a fourth, immediately on the completion of his voyages, became a candidate for the office of Master Attendant; and Captain Alsager, the fifth, retired, and is now a Member of the House of Commons.

14. That the doubt expressed in the letter of Mr. Praed, as to the injury sustained by the Petitioners from the cessation of the Company's trade, is applied also in that letter to officers receiving relief from the Poplar Fund, both being alike grounded on the infrequency of instances of officers so circumstanced subsequently resuming the active pursuit of their profession; but that it appears that the present Board of Control have admitted the invalidity of this conclusion in respect of the Poplar Fund Pensioners, by having sanctioned the admission of several such Pensioners to the benefit of the compensation regulations.

From the foregoing considerations, and on a review of the whole case, Your Committee are of opinion,

That it would be a severe exercise of the authority vested in the Board of Control, inconsistent with the spirit of the conditions on which the Company's right of trading was relinquished, and with the intentions expressed by Mr. Charles Grant in his letter of the 21st March 1833, to refuse to the East India Company the power of fulfilling "those obligations of justice and liberality" towards the Petitioners, which the Company are most competent to estimate, and which, by deliberate resolutions, the Court of Directors and Court of Proprietors have fully recognized.

That

That, without reference to the policy of the arrangement by which a declaration and period of service were substituted for proof of actual loss, no sufficient reason has been adduced for any distinction between the cases of the Petitioners, and those of all the commanders and officers who have been admitted to compensation under the established regulations.

That, the presumption raised in the letter of Mr. Praed, and adhered to by the present Board of Control, is much diminished by the explanations given of the circumstances attending the small number of cases of commanders who have completed their five voyages in ships owned by the Company; and that it has been practically abandoned by the Board, first, by their admission to pension of Poplar Fund Pensioners, who were expressly excluded on the same ground of objection; and secondly and conclusively, by the admission to permanent pension of every other commander of Company's own ships after, by the grant of special compensation for unexpired voyages, those commanders had been placed precisely on the same footing as the Petitioners.

That, in the case of the Petitioners, all reasonable doubt of their intention to have resumed the active pursuit of their profession would seem to have been removed by the expression of the Court of Directors, that they were satisfied of the truth of their declaration, and by the certificates submitted to the Board of Control, both equally conclusive with the alleged reasons for the admission to pension of Captain Mangles, to whose claim similar objection was at first taken; but that such intention is now placed beyond question by the corroborative testimony adduced to Your Committee.

Considering therefore that the case of the Petitioners falls clearly within the scope and intentions of the 7th sect. of the India Act;—that their claims are founded in justice, and supported by such analogy as may be considered to constitute a precedent,—and that the rejection of those claims must wear the appearance of oppressive severity to individuals;—Your Committee earnestly hope that the Board of Control will, on reconsideration, be induced to waive their objections, and to sanction the admission of the Petitioners to the compensation pension of 200 *l.* per annum, from the 22d April 1834, as settled by Mr. Charles Grant in his letter of the 12th November of that year, containing the official sanction of the Board of Control to the plan of compensations, gratuities, and pensions submitted by the East India Company.

In conclusion, while your Committee are aware that a just claim can receive no additional force from such a consideration, they feel themselves bound not to suppress the fact, that a compliance with the prayer of the Petitioners would involve no inconvenient precedent, their cases being, in all the circumstances, essentially different from those of every other class of claimants.

23 *May* 1837.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 18° *die Maii*, 1837.

PRESENT:

Mr. G. F. YOUNG, IN THE CHAIR.

Captain Alsager.	Mr. Praed.
Mr. Bagshaw.	Mr. Robinson.
Mr. Hastie.	Lord Granville Somerset.
Mr. G. Palmer.	Mr. W. Williams.

Paragraph of proposed Report was read:—"That evidence has been given corroborative of the allegation, that it was their intention to have followed the maritime profession if the Company's right of trading had not been discontinued."

Amendment proposed; to leave out all the words after the word "That," in order to insert the words, "Captains Newall, Barrow, and Glasspoole, having served their full period of five voyages as commanders of ships in the Company's *own* service, and having otherwise failed to establish to the satisfaction of this Committee that their interests have been affected by the discontinuance of the Company's right to trade in common with others, it is the opinion of this Committee that their claims are not entitled to be considered under the 7th clause of the 3 & 4 Will. IV. c. 85."

Question put, that the words proposed to be left out stand part of the question.

The Committee divided:

Ayes, 7.	Noes, 1.
Mr. Praed.	Mr. Bagshaw.
Mr. Robinson.	
Lord G. Somerset.	
Mr. Hastie.	
Mr. W. Williams.	
Mr. G. Palmer.	
Captain Alsager.	

Original question put and agreed to.

Martis, 23° *die Maii*, 1837.

PRESENT:

Mr. G. F. YOUNG, IN THE CHAIR.

Captain Alsager.	Mr. Robinson.
Mr. Hastie.	Mr. W. Williams.
Mr. Lynch.	Mr. Alderman Wood.
Mr. G. Palmer.	

LIST OF WITNESSES.

Martis, 18° die Aprilis, 1837.

James Cosmo Melvill, Esq. - - p. 1

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MINUTES OF EVIDENCE.

Martis, 18° *die Aprilis*, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.
Mr. Hastie.
Mr. George Palmer.
Mr. Praed.
Mr. Robinson.
Lord Granville Somerset.
Mr. George Frederick Young.

MR. GEORGE FREDERICK YOUNG, IN THE CHAIR.

James Cosmo Melvill, Esq., called in; and Examined.

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1. *Chairman.*] YOU fill a confidential situation in the service of the East India Company, I believe?—I am the secretary to the East India Company.

2. Were you in that situation at the period of the passing of the India Act in 1833?—No; I then filled the situation of financial secretary.

3. In your capacity of financial secretary, were you cognisant of the negociations that preceded the passing of that Act and the arrangements which took place at the time?—I was, with the whole of them.

4. Although at the expiration of the company's charter no claim was understood to exist for its renewal, yet unless it had been otherwise arranged the company would have been entitled to have continued the trade in common with the rest of His Majesty's subjects?—Clearly, I consider that their commercial charter was perpetual.

5. Then it was matter of compromise and arrangement between the East India Company and the Government, the arrangements that were ultimately entered into?—Clearly so.

6. In the course of the correspondence and communications that took place preceding the passing of the Act, did not the Court of Directors constantly express the greatest anxiety for the protection of the interests of their servants who might be injured by the compulsory discontinuance of the company's right of trading?—They did; they invariably maintained that it should be a condition of any compromise, that their commercial servants, whose services would no longer be required, should be compensated out of the commercial assets of the company.

7. Did the Court of Directors receive direct assurances from His Majesty's Government at that time, that the obligations that existed upon them on the part of those servants should be scrupulously attended to?—There were repeated assurances on the part of the King's Government, that the means should be devised for accomplishing the condition for which the court contended on behalf of their servants.

8. Did not, in fact, the then President of the Board of Control (Mr. Charles Grant) assure the directors that His Majesty's Government would co-operate with the court in every effort to fulfil the obligations of justice and liberality towards the company's servants?—He did.

9. Did not some especial proceedings take place for including the maritime servants of the company within the compensation that was contemplated?—Whilst the bill was pending, I think an application was preferred to the Court of Directors by some of the maritime servants of the company, who apprehended that the clause, with respect to compensation as proposed, was not sufficiently

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comprehensive to include them; upon that application, the Court of Directors addressed a letter to the President of the Board of Control, and expressed an opinion that the clause should be made sufficiently comprehensive to embrace all classes of the company's servants.

10. And the Court of Directors considered that the seventh clause of the Act, as framed, empowered them to extend, subject to the approbation of the Board of Control, compensation to all the maritime servants of the company whose interests might be affected by the discontinuance of the company's right of trading?—They did.

11. Was it not arranged that these compensations should be paid out of the commercial assets of the company?—Yes, it was.

12. In the arrangement of the principle upon which compensation should be granted, can you inform the Committee what was the plan first submitted by the Court of Directors to the proprietors; what was the principle of the plan?—To the best of my recollection it was, that all commanders and officers who had been a certain time in the service, and who had not left it more than a certain time, should receive a specific compensation in the shape of a donation of a sum of money; I think that was the first plan.

13. Did the Court of Proprietors approve of that suggestion?—They did not.

14. What was the principle of the plan that was then substituted in lieu of that?—That all commanders and officers who had served a certain time, and had not left the service more than a certain time, should receive in some cases annuities, and in other cases gratuities.

15. Have any of the officers received gratuity and pension also?—Yes, the commanders and officers of the company's own ships; and the commanders of freighted ships under contract.

16. Was not a special scale of compensation arranged for the supposed losses of commanders and officers whose stipulated voyages were unexpired?—Yes.

17. Did that scale of compensation include both the commanders and officers of freight ships, and those of the company's own ships?—It included, I think, the commanders of those freight ships only the contract for which had unexpired.

18. And did it also include the commanders of the company's own ships who had not performed the number of voyages to which, by the company's regulations, they were restricted?—It did; it was a part of the plan of the Court of Directors that the company's own servants, the commanders and officers, should receive a specific amount of compensation proportionate to the voyages which had not been performed. When the General Court substituted their general plan for the plan of the Court of Directors, then it was determined to modify the Court of Directors' plan for the company's own servants, by deducting, from the specific sums that they proposed to give, the value of the annuities for the periods embraced in that plan of compensation to which they became entitled under the general plan.

19. Can you state what was the general principle on which the amount of compensation for unexpired voyages was calculated, had it not reference to a calculation founded on the privileged tonnage which the parties were entitled to?—I cannot at this moment call to mind the principle; to the best of my recollection, it was in some measure arbitrary: it was upon the supposed profits of the voyage that the amount was calculated.

20. Then upon payment of the amount of compensation awarded for unexpired voyages, it was assumed that the parties would be placed in an equal position with respect to emolument with that upon which they would have been placed if they had performed those voyages; was it so?—It was a compensation for the loss of the voyage.

21. Are you aware whether that compensation to which you have referred, and pensions also, have been awarded to the commanders in the freight service?—To those who were in the command of ships, the contract for which was unexpired. The annuity has been valued for the period embraced in the unexpired contract, and deducted from the amount of the compensation; and therefore they have had both the compensation so reduced and the annuity.

22. And that annuity continues for life?—Clearly.

23. Has the same principle been followed with respect to those commanders of the company's own ships who had not performed the five voyages to which, in those ships, they were restricted?—It has.

24. Are you at all acquainted with the circumstances of the case of the petitioners,

tioners, Captains Newall, Barrow and Glasspoole?—I am aware of all the applications they have made, and the results of those applications.

25. What was the result of their first application?—Their first application was referred by the Court of Directors to a committee of that court, the Finance and Home Committee, and that committee reported, that in their opinion the claims ought not to be admitted. The Court of Directors were equally divided upon that report of the committee, and in consequence the question was lost, the committee being aware that, under an Act of Parliament, whenever the votes in that court are equal, the question is declared to be lost. The Finance and Home Committee then made a further report, proposing to admit the claims, provided the commanders made the declaration prescribed by the General Court, and provided the Board of Commissioners for the Affairs of India should concur in that arrangement. That recommendation was adopted by the Court of Directors.

26. Lord *Granville Somerset.*] State what induced that alteration of the recommendation on the part of the Finance Committee?—I can only account for it by supposing, that the discussion in the Court of Directors had produced a change in the minds of some of the members of the committee.

27. What are the number of directors composing the Finance Committee?—Ten, including the chairman.

28. Can you state at all the numbers that were present upon the first discussion, and the numbers that were present upon the last discussion?—I can do so on reference to the records, if the Committee will allow me.

29. Are you aware whether any fresh facts were brought before the notice of that Finance Committee upon the second occasion?—I am not.

30. Do you attend the deliberations of the Finance Committee?—I did at that time.

31. Then your recollection does not serve you to state, whether anything fresh arose to induce the Finance Committee of the Court of Directors to change their minds?—No.

32. Can you state the date of the first recommendation?—The 28th of January 1835.

33. Can you state the date of the discussion in the Court of Directors, to which you have already alluded, when the question passed in the negative, inasmuch as there was not a majority in favour of it?—On the 4th of February 1835.

34. Then will you also state the date of the expression of the Finance Committee of the Court of Directors in favour of these claims?—The 11th of February; it was decided by the Court of Directors on the 18th of February.

35. *Chairman.*] Did any communication take place with the Board of Control previous to those dates you have referred to?—Not previous. When the last resolution was adopted, it was submitted to the Board of Control for their approbation. The first being a negative, it did not require to be submitted.

36. What took place in consequence of the reference to the Board of Control?—The Board of Control decided that the claims ought not to be admitted.

37. How was that decision communicated?—It was communicated in a letter from the secretary to the Board of Control to the secretary to the Board of Directors. On the 21st of February, the secretary to the Court of Directors submitted the resolution of the Board of Control, in a letter to the secretary to the Board, of which the following is a copy:—

Sir, East India House, 21 February 1835.

I AM commanded to acquaint you, that the Court of Directors of the East India Company, having had under consideration the cases of commanders of the company's own ships who, within the period of five years prescribed in the plan for the grant of compensation to the maritime service, have completed the number of five voyages to which they were limited by the court's regulations, have resolved that, provided such commanders furnish the required documents, they be admitted to the benefit of the compensation; and I am to request that the said resolution, of which a copy is forwarded herewith, may be submitted for the approbation of the Board of Commissioners for the Affairs of India.

I have, &c.

W. M. Praed, Esq. (signed) *P. Auber*, Secretary.

And on the 21st of March 1835, the secretary to the Board of Control communicated to the secretary to the Court of Directors the decision of the Board, not to concur in the proposition of the Court of Directors.—[Vide *Correspondence in the Appendix.*]

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38. Did not the letter from the secretary to the Board of Control making that communication, include also a refusal to admit to pension those officers who had been pensioned on the Poplar fund?—Yes, it did.

39. Who was at that time President of the Board of Control?—Lord Ellenborough.

40. Can you tell us whether any of those officers who have been pensioned on the Poplar fund have been subsequently admitted to the pensions provided under the regulations?—I think there have been some cases.

41. Can you inform us who was President of the Board of Control at the time of the admission of those cases?—Sir John Hobhouse. The Committee will observe in this letter, the parties, pensioners on the Poplar fund, who were excluded, were the pensioners permanently admitted on the fund. I think that the only cases in which pensioners on the Poplar fund have been admitted to compensation, are cases in which they have produced medical evidence that the disqualification was not permanent.

42. Lord *Granville Somerset.*] The claims of the Poplar fund are very much restricted, are they not?—Yes, they are very much restricted.

43. I mean by that, that it is a compassionate fund entirely?—It is.

44. Not a case of compensation for deprivation of any emoluments, but a case of compassionate relief and allowance to those parties who from age or sickness, or other infirmity, are prevented obtaining employment, and are also from indigence incapable of supporting themselves; is not that the case?—Exactly so.

45. Well then, of course the expression in the section of the Act of Parliament, "that all persons now or heretofore employed by or under the said company," cannot be supposed to apply particularly to that class of claimants for them?—No, I think not; because the condition on which they would be admitted to the Poplar fund was one which would preclude their continuing in the active service of the company.

46. And therefore that section of the Act of Parliament has nothing to do with individuals to be relieved by this Poplar fund?—Certainly not.

47. Then the parties whose case we are now investigating must look to some other source for relief, must they not?—They must.

48. As a matter of compensation?—Yes.

49. Mr. *Palmer.*] Will you state what the Poplar fund arose from; how it was originally established?—By contributions from the commanders and officers and seamen, and by contributions from the company; as well as unclaimed prize money, and interest on unclaimed wages of seamen.

50. *Chairman.*] Now these individuals, Captains Newall, Glasspoole and Barrow, did they contribute to the Poplar fund?—Oh! no doubt.

51. Lord *Granville Somerset.*] Now is that a *pro-ratâ* contribution?—It is a per-centage I think on the wages; it is a very small amount.

52. Mr. *Palmer.*] Nothing besides the wages?—Occasional mulcts from the captains and officers, fines.

53. Lord *Granville Somerset.*] But there is a *pro-ratâ* contribution by all the officers, is there not?—There is.

54. Including this class of officers whose cases we are now considering?—Yes.

55. Mr. *Palmer.*] No part of the money paid, as the per-centage on an investment goes to the Poplar fund?—No, I think not.

56. Then the company take it to their own purse?—Entirely.

57. They have not included the wages of seamen?—No, the interest of unclaimed wages goes to the Poplar fund, not the principal.

58. *Chairman.*] What took place subsequent to the communication to which you referred from the Board of Control to the Board of Directors, refusing to sanction what had been done?—The case was brought before the General Court of Proprietors, when the General Court, by a unanimous resolution, expressed their opinion that the claims of these three officers ought to be admitted.

59. Mr. *Bagshaw.*] There was no ballot taken upon that?—There was no ballot.

60. *Chairman.*] Was that resolution of the Court of Proprietors communicated to the Board of Control?—It was.

61. Did that produce any effect on the decision of the Board of Control on the subject?—It did not; they stated they adhered to the opinion of the former Board.

62. Was

62. Was it not contemplated in the first scheme for compensation submitted by the Court of Directors, that each party who should allege injury sustained should be put upon positive proof of the nature and extent of that injury?—Yes, it was.

63. Was that proposition subsequently abandoned?—It was modified.

64. What was the arrangement that was substituted for it?—That they should make a simple declaration.

65. To what effect was that declaration; will you put in the form of the declaration?—" Form of declaration: I do hereby declare that I had not, previously to August 1833, quitted the maritime service of the company for the purpose either of retiring from it, or of following any other pursuit; and that if the company had gone on as a trading company with the public, it was my intention to continue following the maritime profession in their service."

66. Did the Board of Control give its sanction to that form of declaration?—They did.

67. Lord *Granville Somerset.*] Have the goodness to state who that Board of Control was then composed of?—The President was Mr. Charles Grant.

68. *Chairman.*] And was that declaration considered to supersede all specific inquiry into the circumstances of each particular case?—It was. Perhaps the Committee will allow me to explain, that in cases where the Court of Directors saw reason to believe that the claim ought not to be admitted, notwithstanding that declaration, they came to a resolution not to admit the claim; some cases of that kind occurred, and therefore I think it right to mention them to the Committee.

69. Was not the case of Captain Mangles one of that description?—It was.

70. Did Captain Mangles make the declaration in the form required?—He did.

71. What steps did the Court of Directors take in consequence of that declaration; did they admit him to pension?—I think that they wrote to Captain Mangles to tell him, that as he had been in business as an agent, they did not consider him eligible to the compensation; and I believe, as far as my recollection serves me, on a further representation from Captain Mangles, that the Court of Directors thought that he ought to be admitted subject to the confirmation of the Board of Control, and he was admitted ultimately.

72. Did not the Court of Directors refer to the Board of Control the objection they felt to admit Captain Mangles, after having made the declaration, in consequence of his having engaged in business, which he was at that time carrying on?—I think they did; but whether the reference to the Board of Control was not made accompanied by an expression of opinion, that the Court of Directors thought he might be admitted, my recollection does not serve me at the moment. The Court of Directors made a reference to the Board of Control upon the subject undoubtedly, and the Board of Control concurred in opinion that he ought to be admitted.

73. Are you aware of any case of refusal to admit to compensation or pension those commanders who have subscribed the declaration, with the exception of the cases of the three petitioners?—Only these three petitioners.

74. Are you aware of any instance of a commander refusing to subscribe that declaration in order to entitle himself to the compensation, although in active service within the period prescribed by the regulation?—I am not, there may have been.

75. Can you inform us how many of the company's own captains received compensation for the loss of their unexpired voyages, and a pension for life also?—There were seven.

76. Mr. *Praed.*] Can you give us the dates of the assent of the Board of Control on the subject of the applications of those gentlemen?—They were admitted under the general plan of compensation, without reference to the Board of Control.

77. I suppose a statement of the circumstances must have been made to the Board of Control?—There was a minute of the Court of Directors submitted to the Board of Control, and their acquiescence was communicated officially.

78. Are you aware of the date at which that took place?—On the 9th of December 1834, Mr. Charles Grant communicated to the chairman and deputy chairman, the acquiescence of the Board in the proposition of the Court of Directors to grant additional compensation to the commanders and officers of the company's

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company's own ships, on the terms stated in the minute of the Court of Directors.

79. *Chairman.*] Was the admissions of those commanders to pension, in addition to the stipulated gratuity for unexpired voyages, considered by the Court of Directors as making up a deficiency in the supposed value of those unexpired voyages, or was it granted to them under the impression that they were entitled to pensions after they had received that compensation?—Clearly, upon the ground that they were entitled to the benefit of the general arrangement.

80. Mr. *Hastie.*] With regard to any of these commanders who had not finished the number of their voyages, in taking into account the profit upon each voyage, was it made a principle, and deducted from the amount of compensation for each voyage, the annuity which they were to receive?—It was for the period embraced in the voyage.

81. *Chairman.*] Upon the principle, that if they were admitted at once to pension, it would have been unjust that they should have been annuitants, and receive at the same time an equivalent for voyages, which would have occupied the time in performance?—It would have been paying them twice over.

82. In the service of the company, was any distinction ever made between the commanders of the company's own ships, and the commanders of ships in the freight service, in reference to emolument, rank, or any other description?—No, no distinction.

83. What was understood to be the motive of the East India Company in restricting the command of their own ships to five voyages; was it not that the number of their ships being limited, there might be room made for the promotion of junior officers?—That was one reason, no doubt.

84. Mr. *Palmer.*] Did they consider that the regulation limiting the number of voyages for the captain to command one of their own ships, was made with the view of giving other officers the chance of promotion, reserving only to those captains the fair chance of making a competency?—I have no doubt that was their main consideration.

85. And do you not know that there are many persons who have commanded ships in the freight service many more than five voyages, and yet have not made a competency?—The Committee called for a return of the number of commanders who had performed more than five voyages, and who had received compensation; I will deliver it in.

86. Lord *Granville Somerset.*] What the Honourable Member asks is this: Are you aware of cases of individuals who had performed more than five voyages as captains of freight ships, and who still had not obtained a competency?—I am aware that there are many commanders whose names are included in this list who have performed more than five voyages.

87. Can you negative the proposition; do you know whether there are individuals who, having performed so many voyages as five, have still not made a competency?—I have no reason to doubt that there are many.

88. Mr. *Bagshaw.*] Then I would go on and ask, whether you know any instances of gentlemen commanding company's own ships five voyages who have not been considered to have made a competency?—I cannot say whether they have made a competency.

89. *Chairman.*] Was it ever understood by the Court of Directors, that commanders who had commanded company's ships for five voyages were, at the expiration of those voyages, ineligible to command ships in the freight service, if they had been regularly presented for that purpose?—Certainly not.

90. I believe the Court of Directors gave some attestation, some certificate, to the effect that individuals so circumstanced were eligible?—I think they did.

91. Do you happen to have that with you?—It is contained in a letter from the secretary to the Court of Directors to Captains Newall, Barrow and Glasspoole, dated 17th March 1836; which states, "That you were eligible to a command in the freighted service, and that had the company continued to trade, and you had been presented for such command, you would have been accepted accordingly."

92. Mr. *Praed.*] You said that the declaration to be made by the officers, under the regulations of Mr. Charles Grant, was to supersede all specific inquiry into their cases. I think I heard you say, that the declaration which was to be made by the officers under Mr. Charles Grant's regulations, was to supersede all specific inquiry into their cases?—Except in cases which the Court of Directors felt,

felt, that, notwithstanding such declaration, there was ground for excluding the claimant.

93. Now, of course, the sufficiency of that declaration, as stated by you, could only apply to cases included within the benefit of Mr. Charles Grant,s regulations?—Clearly.

94. Now, at the time of the making of that declaration, was it the opinion of the Court of Directors that that regulation of Mr. Charles Grant was strictly exclusive, as well as inclusive; that it was to exclude all who were not entitled to the benefit of it?—Yes; that was the understanding.

95. Then, if at any future period, and from any other circumstances, it was thought proper to include others who did not come within the benefit of Mr. Charles Grant's regulations, it would not follow that that declaration with respect to such persons should be sufficient evidence?—Certainly not; if a new class of claimants were admitted, new conditions might be prescribed.

96. Now the Board of Control, of which Lord Ellenborough was president, as you stated, rejected the claims of officers situated as these three individuals are?—They did.

97. They decided, therefore, that class of officers, situated as these three individuals are, did not come within the benefit of Mr. Charles Grant's regulations?—They did.

98. Then, if it was the opinion of Lord Ellenborough's Board that that regulation was not so exclusive as you hold it to be, that Board, considering that these individuals were not included within the benefit of Mr. Charles Grant's regulation, would expect further evidence, with respect to their suffering, than that declaration?—Clearly; the proposition upon which the reference was made to the Board of Control, was a proposition to include these officers within the benefit of Mr. Charles Grant's regulation.

99. The Board of Control held they were not included within the benefit of Mr. Charles Grant's regulation; but if that Board of Control held that that regulation was not to be construed to a strict exclusion, then, with respect to these officers not included within the benefit of Mr. Charles Grant's regulation, they might have insisted on further evidence than that regulation made sufficient?—They might.

100. *Chairman.*] In the letter signed by Mr. Vernon Smith, addressed to the Court of Directors on the 2d of February 1836, does not Mr. Smith express, that the reason why the Board of Control adhered to the decision conveyed in Mr. Praed's letter of the 21st March is, that the commanders of the company's own ships were limited to five voyages?—Mr. Vernon Smith states, that the commanders of the company's own ships, who had completed the number of five voyages to which they were limited by the court's regulation, have not been injured by the cessation of the company's trade.

101. Now, in point of fact, although they were limited to five voyages in the company's own ships, were those commanders, at the expiration of those five voyages, restricted from further employment?—Not in the freighted service; certainly not.

102. Then might it not be extremely possible that individuals so circumstanced might be injured by the cessation of the company's trade, although disqualified from further command in the company's own ships?—Possible, no doubt.

103. Have not many of the commanders of the company's own ships also commanded ships in the freight service, making in the aggregate a considerably greater number than five voyages in command?—I will deliver in this return, which the Committee called for, of the names, ages, and number of voyages in command, of all captains of company's own ships since 1815, distinguishing the number of voyages performed in company's own ships respectively, and causes of retirement, if less than five voyages.

104. Mr. *Praed.*] How many instances are there of officers who, since the period of 1815, after completing five voyages in the company's own ships, have returned to the freighted service?—I am not aware of any.

105. Does not that circumstance raise in your mind a strong *primâ facie* presumption that these three officers themselves would not have returned to the freighted service, taking that circumstance abstractedly?—That is a reasonable presumption.

106. *Chairman.*] Had not some of those officers previously commanded ships for several voyages in the freighted service?—They had.

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107. Would not that fact tend, in some degree, both by the greater age of the parties, and the opportunities they had had of acquiring a competency, to destroy the presumption which your last answer raises?—The Committee are of course aware that the advantages of the company's own service were much greater, and that therefore there is a much less presumption in favour of their returning to the freighted service.

108. Mr. *Praed.*] When were the company's service under the present regulation established?—In 1815, I think.

109. Do you know how many captains have commanded company's ships five voyages since the period it was established, in 1815?—Eight captains; that includes the three petitioners. Only five besides these three.

110. The small number of captains, in a great degree, diminishes the strong presumption you formed against these gentlemen returning into the freight service, from the fact that so few had done so?—Yes.

111. *Chairman.*] Now casting your eye over those officers who completed their five voyages, exclusive of the three petitioners, do not you find some who have succeeded to offices of great distinction and emolument in the service of the company?—Not one, I think, who had performed his five voyages.

112. Mr. *Palmer.*] How many, having completed the shorter number of voyages, because there was a regulation on the part of the company that those who had been in the freight service should only have three voyages instead of five, I wish to ask whether those gentlemen who had completed the shorter number of voyages have applied for employment or service, or have obtained appointments?—I will deliver in a return, which the Committee also called for, of the names of the captains who had commanded company's own ships, and subsequently became candidates for the office of master-attendant in England or in India, since 1815, distinguishing those who were appointed to such office.

113. *Chairman.*] Was it a regulation of the company's service, that commanders who had commanded ships in the freight service, and subsequently were admitted to commands in the company's own ships, should not perform more than three voyages?—It was.

114. And were any of those individuals, who had so completed their three voyages, subsequently appointed to any civil situation in the company's service?—Captain Jameson, an officer so circumstanced, was appointed to the situation of master-attendant at Calcutta.

115. Lord *Granville Somerset.*] What is his name?—James Jameson.

116. Does he not appear, by this return, to have completed five voyages in freight ships, and three in the company's own ships?—He does.

117. *Chairman.*] But does not the fact of the appointment of Captain Jameson to the situation of master-attendant, after completing the number of voyages in the company's own ships, to which he was restricted, prove that individuals might sustain injury by the discontinuance of the company's right of trading, and consequently of appointing them to commands, notwithstanding the completion of their period of service?—I think it does.

118. Mr. *Praed.*] A captain similarly circumstanced, who, if he commanded in the freighted and not in the company's own service, would have stood a superior chance if his merits had been the same?—I think he would.

119. Under those circumstances, therefore, the company's own captains were not in a worse situation than those of the freighted service?—No.

120. *Chairman.*] But the company never recognized the principle, that, at the conclusion of the limited number of voyages, commanders of ships were disqualified from further service in their employ?—Never.

121. Except as relating to their own ships?—Except in their own ships.

122. Can you state to the Committee the periods of service of the three petitioners in the company's employ?—Captain Newall, twelve voyages altogether; Captain Barrow, thirteen; and Captain Glasspoole, thirteen.

123. Mr. *Palmer.*] What are their ages?—Forty-eight, Captain Newall; forty-nine, Captain Barrow; forty-eight, Captain Glasspoole.

124. What is the age of those who have not applied? Those who completed the five voyages, and have not applied, there are only three of them?—Captain Sotheby, sixty. The Committee will see these are their present ages: Captain Cameron, sixty; Captain Alsager, fifty-four.

125. *Chairman.*] Have these gentlemen always borne high characters at the India House?—They have.

126. Have

126. Have the Court of Directors ever expressed any opinion as to the accuracy of the declaration made by any of these petitioners, of their intention to have continued in the maritime service?—Never expressed any doubt of its accuracy.

127. Have they declared, in any specific terms, that they had no doubt of the accuracy of the declaration?—Only by proposing that they should be admitted, which is expressing an opinion.

128. Mr. *Praed.*] What is the impression as to the sufficiency of that test of the declaration generally? I am not saying as to the particular case; but do you think that declaration generally is a sufficient test of the intention of the officers to return to the service, taking into consideration not only those who have signed it, but those who have expressed their willingness to sign it?—I think the phraseology so direct, that no man of honour would subscribe it who did not *bonâ fide* intend to go to sea again.

129. Mr. *Hastie.*] I see Captain Newall completed his five voyages, and was clear out of India in June 1831. Now the usual time of taking up the company's ships was in August, if Captain Newall had been presented to be sworn in one of those chartered ships by a managing owner, would the court have refused him as having been five voyages in their own service?—Certainly not.

130. And that applies to all the other officers?—It does.

131. *Chairman.*] Are you aware of any reason for a distinction being drawn between the petitioners and freight captains, from the other captains of company's own ships, in reference to the grant of pensions?—I am not.

132. Mr. *Praed.*] You have already stated, that from the circumstance of the expiration of five voyages, to which in the company's own ships they were limited, a *primâ facie* presumption would arise that they were not likely to return to the service?—But that I consider negatived by their declaration.

133. You have already stated a strong *primâ facie* presumption arose from that circumstance, simply, abstractedly considered?—Yes.

134. But beyond that you see no distinction between the cases?—No.

135. *Chairman.*] But if it should appear, that under stronger circumstances of presumption the Board of Control had admitted to pension upon the declaration, refusing to entertain the consideration of those alleged circumstances, would it not appear to you a great hardship that the petitioners should not be placed in the same position?—It has always seemed to me, that the commanders of the company's own ships, making the declaration, were justly admissible to the plan of compensation.

136. Can you inform the Committee what was the aggregate amount of the compensation originally estimated?—I think it was 1,400,000 *l.*

137. Can you state, in round numbers, what has been the aggregate amount of compensation granted?—I cannot; it would require a valuation of the annuities. My impression is, 900,000 *l.*, or 1,000,000 *l.*

138. Is it, in fact, considerably less than the amount of the estimate?—It is; arising, however, in a great measure, from the reduction which was made by the Board of Control in the plan of the general court. £. 750,000, I see I stated in my evidence before the last Select Committee, it was reduced to.

139. It was reduced one-fifth in amount from the plans submitted by the Court of Directors?—There were several reductions ordered by the Board of Commissioners as to the mode in which the gratuities were to be valued. £.1,500,000 is the first estimate, which was reduced to 750,000 *l.*

140. Was the amount at which the compensation for unperformed voyages was fixed, supposed to be a just equivalent for the loss sustained by those officers who had not performed the voyages?—It was what the Court of Directors considered just; whether it was satisfactory to the officers or not, I cannot say.

141. But it was considered by the Court of Directors, and sanctioned by the Board of Control, as a just equivalent?—Clearly.

142. And therefore any pension to which parties who had received that equivalent might have been admitted, could not have been for the purpose of supplying a supposed deficiency in that amount of equivalent?—The captains who had voyages remaining to be performed received the annuity, because they were considered entitled to it under the general plan of compensation.

143. Lord *Granville Somerset.*] Formerly, that is to say, anterior to 1816, the trade of the East India Company was carried on exclusively by chartered

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vessels, in short, what are now called freight ships, was it not?—I think the company had one or two vessels of their own, but there was no general regulation for a separate service from their own service until 1815.

144. Well then, either in the years 1815, 1816, 1817, or 1818, there were a certain number of company's private vessels established, was there not?—There was.

145. Then the officers who were bred up in the company's service, and who had theretofore been employed in the freight ships of the company, were transferred to the company's own ships, were they not?—They were.

146. Then was the class of officers employed both in the freight ships and in the company's own ships exactly the same, both as to qualification, as to emolument, and as to rank?—The same.

147. They wore the same uniform?—They did.

148. They had the same privileges?—They had.

149. There was no distinction as to the service in any respect whatever?—None.

150. The senior officer, whether he was in a freight ship or in one of the company's own ships, would be the senior officer of the fleet, or whatever it might be?—He would.

151. Then what was the way in which the officers for the company's own ships were selected from the general mass of the service?—It was by selection, with reference to qualification.

152. That is to say, that those who were esteemed the best officers were selected for the company's own ships?—They were.

153. Then in point of fact, if there was any superiority in point of claim upon the East India Company, the commanders of their own ships had that superiority?—I thought the Noble Lord was speaking of the appointment of commanders and mates, from the mass of the service, to the company's own service.

154. Therefore, if there were any distinction in point of ability or qualification, according to the former answer of the witness, it was in favour of the commanders and mates and other officers of the company's own ships?—I presume so. When the company's own service was first formed, numerous applications were made to the Court of Directors from the commanders and officers of the freighted service of the company. They were accompanied by testimonials of service, and then the Court of Directors selected from those applicants the persons who were to be the commanders and officers of their own service.

155. And therefore I presume I may infer from that, that the officers of the company's own ships were supposed to be the best officers in the company's employment?—Those first selected. The midshipmen were matters of patronage.

156. Now, when were these three gentlemen, Captains Glasspoole, Newall and Barrow, selected?—On the first formation of the service; I think all of them.

157. Then they were selected for their qualifications and not from patronage, were they?—It was not matter of patronage in the sense in which the Court of Directors selected from the mass of applicants.

158. But did they select as a mere matter of private and individual patronage and preference, or select upon the principle that these gentlemen were amongst their best officers?—I think upon the principle that they were amongst their best officers.

159. By what Committee were they selected, by the Committee of Directors?—I believe the Committee of Correspondence had the selection of certain of the senior officers; I think the captains and the first and second mates, and I believe the Committee of Shipping had the selection of the remainder.

160. Now what rule or regulation was there as to the employment of these individuals, that is to say, how frequently did they expect to be employed, so as to complete their five voyages?—It was generally considered that a voyage occupied, in point of time, two years: in other words, that every other season the captain went to sea.

161. Consequently the calculation was, he would perform his limited number of voyages in their own ships in ten years?—Yes, in ten years.

162. But if these captains were restricted to five voyages, and were not allowed to go into the freight service afterwards, would their superiority of qualification have been an advantage or a disadvantage to them?—It would have been a disadvantage, upon the supposition that the superior advantage of the company's own service

service for the time they filled the command did not enable them to realize a competency.

163. Can you state to the Committee what would be the superior advantages that they would be likely to derive in these five voyages, over what the commanders of freight ships would derive in that same time in as many voyages?—A commander of the company's own ship had his privilege entirely free. He paid nothing for it; but a commander of the freighted service, I apprehend the Committee is well aware, was differently circumstanced in that respect.

164. Can you inform the Committee whether or no, taking all the circumstances into account, the captains of the company's own ships would or would not have been losers over captains of freight ships, in respect of the comparison with captains of freight ships, if their superiority of emolument had been also restricted to the number of five voyages?—My opinion is, that the captains of the company's own ships were infinitely gainers.

165. If they had had no power of being employed afterwards in freight ships, you still think they would have had the advantage?—That is my impression.

166. That is to say, that in ten years they could have gained more money than the captains of freight ships that might be employed ever so often?—I think so.

167. Mr. *George Palmer.*] In the year 1815, if you take two officers, one in command, the first voyage, of a company's own ship limited to five voyages, and with no power of going to the freight service afterwards, and the other the case of a captain in the command of a vessel in the freight service, do you think the commander of the company's own vessel would have an advantage over the other?—That is my impression, decidedly.

168. Lord *Granville Somerset.*] But still you have already admitted they had a right to go into the freighted service?—Yes; they had a right.

169. And that there is nothing in their age or qualification which would prevent their exercising that right if an opportunity had occurred?—Certainly not.

170. To whom is it notorious, or is it supposed, that the officers in the freight service paid a pecuniary recompense for employ?—They did not pay it to the company.

171. Was the way in which the amount which the company paid for their freight ships taken into account?—No doubt the owner took it into the account in tendering.

172. Therefore, indirectly, it did benefit the company?—No; I apprehend that the owner took into account, in tendering, the tonnage that was to be allowed to the commanders and officers of the ship.

173. And therefore any advantage that the owner got did, indirectly, of course enable him to tender at a lower rate?—Any advantage that the commander got at the expense of the owner was ultimately paid for by the company.

174. And *vice versâ*?—No doubt.

175. Do you know the four individuals who have signed certificates, stating that they would have been ready to have afforded these three captains the means of commanding freight ships if the company's trade had not been interrupted?—I have seen such a document.

176. Do you know the names attached thereto?—No, I do not. There are certificates from the managing owners, Mr. Lochner, Mr. Burnie, Mr. Templer, and Mr. Timins.

177. Are you acquainted with those gentlemen?—With all of them by name, and with three personally.

178. Have they been in the habit of freighting their ships to the East India Company?—They have.

179. To a large amount?—To a considerable amount.

180. Consequently, their employment might have been of great avail to these parties?—It might.

181. Are they the four individuals who have been chiefly in the habit of freighting ships to the East India Company?—They have freighted them extensively, and there are others who have done so likewise.

182. But they have had a full share of the trade?—Yes.

183. Up to the period when it discontinued?—Yes.

184. Mr. *Bagshaw.*] Then will you allow me to ask you, whether you know these four gentlemen possess ships at this moment?—I am not certain. They

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did at the period of the conclusion of the company's trade; Mr. Timins, I think, held one ship which was under contract.

185. You are aware that they sold all their ships at the breaking up of the company's monopoly, or since that period?—I am not aware of that fact. I am not acquainted with whether they have actually sold their ships.

186. Do you agree with me, that these gentlemen (the petitioners) would have been able to have got many more certificates upon the understanding that the company was to employ their ships upon the same advantageous terms that they were wont to do formerly?—I have no reason to believe that any gentleman would have given a certificate to the effect that he would have actually presented one of these gentlemen for a command, without intending to do so.

187. But upon the advantageous terms upon which the company formerly chartered their ships, does not that make a difference in your mind? I will explain it a little more. The company, when they ceased to trade to China, or if they had not ceased to trade to China, but were put in competition with the free traders, the business of the company would have been not so profitable as it had been formerly, therefore I ask whether these gentlemen, having the free trade open to them, can have been supposed to suffer any wrong in not being employed by the company, seeing that they were quite open for employment in the free trade?—It strikes me they are in the same situation in that respect as the commanders and officers of the freighted service.

188. Do you know of any fact that, before these gentlemen subscribed the declaration, would have induced you to believe that they meant to quit the service?—I have no means of forming an opinion upon that point.

189. I think you said it was a matter of patronage, the transfer from the freight to the company's own service?—A matter of selection, on the production of testimonials.

190. But at all events, it was considered a matter of very great advantage to those who were selected from the freight to the company's own service?—I think it was.

191. Do you not believe, that if any of these gentlemen who were appointed to the company's own service had been made to subscribe a declaration that they would not afterwards seek for employment in the company's service, that they would not have subscribed to it at once?—I cannot possibly say.

192. But was it not considered a matter of such great advantage?—There was great competition, undoubtedly.

193. In a statement made by the petitioners in the papers that these gentlemen have submitted to the consideration of the Committee, they have made, or rather they have given, the proceedings of a Court of Directors held the 19th of November 1834; I should wish to ask you what is the exact meaning of this passage which runs in this way: "And in the case of the senior chief mate of the company's own service, the annuity of a chief mate?" I see these gentlemen have omitted that part in their statement?—Why, the Court of Directors considered that the senior chief mate ought to be considered as a commander, and therefore they gave him the gratuity compensation of a commander; under the general plan of the Court of Proprietors, that gentleman was entitled to the annuity of a chief mate, and therefore, in applying the principle of this rule to that case, the value of a chief mate's annuity, and not of a commander's annuity, was deducted from the compensation.

194. For how many voyages was this chief officer compensated?—Five voyages.

195. Am I to understand that the chief mate, so situated, was put upon a par with a commander of the freight service?—Certainly not; he got the annuity only of chief mate.

196. But as far as compensation went?—The commanders of the freight service generally did not get that specific compensation that was for commanders of the company's own ships and of ships under contract.

197. But after all, the objection to the granting annuities to these three gentlemen arose from the fact of their having been company's own officers, and having gone their stipulated number of voyages?—It did.

198. In regard to the commanders of freight ships, I believe it is pretty notorious that as much as 3,000 *l.* has been paid for a double voyage; have you heard as much as that?—I am not cognisant of any fact of that kind.

199. But of course, if as much as 3,000 *l.* was paid by the company's freighted commander

commander for a single voyage, that of itself would be 15,000 *l.* as the worth of five voyages in the company's own service?—Not the present value.

200. But in fact a commander of the company's own service had nothing to pay for the command; he had no trouble whatever in the management beyond his mere command; he had no shares to take in the ship, but otherwise was put upon the most favourable footing of company's commanders?—He had nothing to pay for his command.

201. And of course took no share in the ship as freighted officer?—And was at no risk.

202. Upon a fair calculation, have you taken into account the value of a company's own commander in contradistinction to one of a freighted commander?—I have not; I have no other calculation but that which is upon the face of the minute of the 19th of November 1834.

203. I believe the company originally intended to grant compensations, something upon the plan of an extension of the Poplar fund, did they not?—No; I think their first intention was to grant a donation to captains who had been a certain time in the service, and had left it only a certain time. The Court of Directors afterwards modified that proposition by a resolution proposing to extend the benefits, to grant an arrangement upon the principle of the Poplar fund.

204. It was the Court of Directors who adopted the annuity system, I believe?—It was.

205. In an answer that you gave when you were examined before a former Committee on the 21st May 1835, you say, "I mean that the original plan of the Court of Directors was, to grant compensation only to such commanders and officers as could prove an interest in the existing bottoms, that is the ships in existence which had been built for the company's service;" (it is question number 53;) that is quite correct, I have no doubt?—Yes, it is.

206. The contracts under which freighted ships were made strictly provided that no command should be sold, I believe?—They did.

207. I believe that the original estimated charge of the Court of Directors—their original plan, was somewhere about 200,000 *l.* that they meant to lay out in compensations?—I believe it was.

208. The Court of Proprietors augmented it to 1,540,000 *l.* I believe?—I think the Court of Directors intermediately proposed a modification, which augmented it very considerably.

209. It appears by your evidence, the estimated charge of the original plan of the Court of Directors was 204,000 *l.*?—Yes; and then there was a modification by the Court of Directors, which augmented it further.

210. The augmentation by the Court of Proprietors made it 1,500,000 *l.*?—Yes, it did; but there was an intermediate modification by the Court of Directors.

211. But it was finally fixed by another arrangement with the Board of Control at 750,000 *l.*?—It was.

212. The Court of Proprietors appear to have taken the matter quite out of the hands of the Court of Directors; for they appear through your evidence to say, that the proprietors came to the resolution that the Court of Directors should not carry that plan into effect without previously consulting them; so that in fact the augmentation was the affair of the Court of Proprietors, and not of the Court of Directors at all?—It was, excepting that intermediate step which the Committee have not yet got in evidence.

213. Then the modified plan of the Court of Directors made the estimated charge at 508,000 *l.*?—It did.

214. This question of the augmentation of the compensation was carried by a very large majority; a majority of 248 in the Court of Proprietors, I believe, by ballot?—It was.

215. And you state in your evidence, that the Court of Directors have no power to exclude from voting any proprietors qualified to vote; that is in answer to a question asked you, "Were any means taken to exclude any of those from voting who were interested in the grant?" Now, in a reply that you have given to a question in the early part of your examination, you stated that the compensations were to come out of the commercial assets of the company. I want to know whether those commercial assets were not secured upon the territorial revenue of India; if they were not sufficient, whether any thing that might be wanted would not be a burthen on the territorial revenue of India?—

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It was a condition upon which the commercial assets were made over to the government of India, that a sufficient amount should be reserved out of the proceeds of those assets to pay the compensations.

216. And if that were not sufficient, that the territorial revenue was to be accountable for it?—If I could suppose such a case, that the assets would not be sufficient to pay the compensations.

217. A certain sum was put aside for an accumulating fund, to pay the proprietors of East India stock, at the expiration of forty years, after the rate of 200 *l.* for every 100 *l.* they subscribed; was not that the fact?—It was.

218. How were the dividends to be paid in the meantime?—The dividends are a charge upon the territorial revenues of India; the territorial revenues being credited with the proceeds of the commercial assets after providing for these compensations.

219. Then, in fact, it is after all one and the same account, that the territorial revenue having got a credit to a certain amount, namely, the amount of the commercial assets, it becomes then entirely accountable to the public, and to all parties having claims upon the East India Company, for the amount of those claims and dividends being paid?—Certainly.

220. Lord *Granville Somerset.*] Were not the commercial assets of the company in point of fact mortgaged for this particular purpose? Were they not dedicated by Act of Parliament to this particular purpose, as the first claim upon them?—Not, I think, by Act of Parliament. It was a part of the compact to which the General Court agreed with the King's Government, that a certain portion of the commercial assets should be reserved to pay the compensations. The mode in which that arrangement was carried into effect by Parliament was, to credit the territory with the whole of the commercial assets, and to make the territory chargeable with the payment of the compensations.

221. But was it not understood before the Act of Parliament, the 3 & 4 Will. IV., c. 85, was passed, that these compensations were a debt due from the commercial assets for this particular purpose?—I think it was. And as matter of account I may state to the Committee, that wherever we have been able to ascertain, before the account of the commercial assets was wound up, the precise out-going on account of the compensations and gratuities; for instance, where the same have been paid and then done with, and no annuity, we have as matter of account deducted the amount from the commercial assets.

222. Then can you state to the Committee what is the full amount that has been paid already as compensations?—I am not prepared with the precise sum. It appears in a parliamentary return made to the House of Commons last year.

223. Yes; but that parliamentary return states the several sums of money, and it also states the annuities, does not it?—No, there is a separate return made to the House of Commons of the annuities.

224. Have the commercial assets realized as much as the compensations have cost, or are likely to cost?—The commercial assets have realized in round numbers about fifteen millions; and I have never seen any calculation of the whole compensation claims, which would make them amount to more than two millions and a half.

225. Then with regard to the seventh section of this same Act of Parliament, is it not there enacted, "that it shall be lawful for the same company to take into consideration the claims of any persons now or heretofore employed by or under the said company, whose interest may be affected by the discontinuance of the said company's trade, to grant such compensations, superannuations and allowances, as shall appear reasonable?"—It is so.

226. Do you not conceive that that clause imperatively calls upon the Directors of the East India Company, to grant compensations whenever they are satisfied that loss has accrued to individuals in the way specified in that clause?—That clause has been always regarded as permissive to, not obligatory on, the Court of Directors; to grant subject to the approbation of the Board of Control, but not as obligatory.

227. By whom has it been considered permissive and not obligatory?—By the Court of Directors.

228. Has there been any legal opinion taken upon it?—I am not aware that there has.

229. Is there any variation in the terms of that section which makes it be supposed

posed that it is permissive and not obligatory, from the usual formula of obligatory clauses?—I am not aware of that formula being used in obligatory clauses.

230. In fact there has been no legal opinion taken upon the subject?—I am not aware of any; I think the same formula is used respecting the company in a clause in the Act, the 53d, which enables the company to grant superannuations to their officers in England; which provides, that it shall be lawful for the Court of Directors to take into consideration such and such claims, and in that case, as well as in this, the Act has been considered not as conferring a right upon the individual, but a permission to the Court of Directors to grant. The words "hereby required" are not, I think, in that clause.

231. But are the words "hereby required" necessary to cause an enactment of that sort to be obligatory?—I really cannot give an opinion upon that point.

232. Under that clause, supposing it to be obligatory, there is the power left to the Court of Directors to determine upon the fact whether or no parties have or have not lost by the arrangement contained in that Act?—Certainly.

233. Consequently, it would not be obligatory on them to pay to any individuals, if they thought that the facts connected with those individuals were not such as to come under that description?—I should think not.

234. Mr. *Bagshaw.*] At the end of 40 years, that is to say, from 1834, the proprietors of East India stock will be paid off? It is very possible that many of the annuities granted under that Act of Parliament may continue to be unliquidated at that period, then it would clearly fall on the territorial revenue, the payment of the annuities and compensations?—Yes.

235. Mr. *Praed.*] You consider the commercial assets of the company liable to these compensations; you do not mean that the compensations are a prior charge to any other on the commercial assets of the company?—Certainly not. What I intended to say was, that in consenting to place the commercial assets at the disposal of the government of India, the Court of Proprietors stipulated that a certain sum should be reserved out of them for this purpose; but that Parliament, in carrying into effect that arrangement, have made the compensations, like every other charge, a charge on the revenues of India generally.

236. By the Act of Parliament, the commercial assets are made over to the Government, subject to existing liabilities?—Certainly.

237. Mr. *George Palmer.*] Do you know what was the custom in the company's service previous to 1796, in regard to engaging their freight ships, and the claims which the captains had in regard to the continued command of those ships?—I cannot exactly call it to mind.

238. Was not the commander entitled to the command of the bottom, as it was called?—Yes, he was. The owner could not remove him; once in the command, he continued.

239. And when the ship became an old ship, the commander still continued to command that ship?—He did.

240. Did the company then think it advisable, for the sake of obtaining more open tenders of their ships and at lower rates of freight, to abolish the sale of commands incident upon the claims to the bottoms of the ships?—They did.

241. And in consequence determined on giving a remuneration to those commanders?—They did.

242. Have the company from that date to the end of their charter, in consequence of such a change of system, obtained their contracts upon lower terms considerably than they had been accustomed to do?—I believe they have.

243. Was not this reduction in the tenders for freight occasioned by the captain seeking for employment, and being willing to make a considerable sacrifice to the company for the same in the rate of freight, whether the tender was made directly by themselves or by others, decidedly for their employment?—I should think so.

244. Then the company themselves, in the result, received a consideration from the commanders in the freighted service?—As compared with the old system.

245. Mr. *Robinson.*] You stated you considered this clause (the compensation clause) a permissive, and not an obligatory clause? At least, it was so considered by the directors. Now, had not the directors authority, and did they not always exercise the power of granting compensations, without reference to Parliament at all, previous to the passing of that Act?—They had the power to make any grant of money, with these conditions, that no grant exceeding 600 *l.* or 200 *l.* a year

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could be made without the approbation of the General Court and the Board of Commissioners.

246. When I speak of the East India Company, I speak of the Court of Directors; what I ask is this: whether the East India Company had not the power of granting such compensations as they might justly consider due to their servants, without reference to Parliament at all; previous to the passing of that Act, did they not exercise that power?—Yes; I think they had the power.

247. Then, if they had the power of disposing of the funds of the East India Company without the control or authority of Parliament, how do you account for this being considered a permissive, and not an obligatory clause?—Because Parliament took possession of the whole of the property, out of which only the company could make any compensation or any payment.

248. Then, was it not in consequence of an arrangement between the East India Company and the Government, previous to the introduction of that Act, that it should be a part of the arrangement that compensation should be granted to those officers who would be enabled to establish a just and equitable claim to it?—It was.

249. Have you any doubt that this clause was expressly introduced into the Act of Parliament, in order that the officers who might have a just and equitable claim should be compensated?—I think it was introduced in order that the East India Company might be enabled to carry forward the desire they had so warmly expressed, to compensate their officers.

250. Was it not part of the arrangement that these officers should be considered entitled to compensation?—It was part of the arrangement that the company should have power to compensate.

251. That is the inference you draw?—No; I think it is stated as the condition on which the contract was made.

252. Now, would you be disposed to infer that the East India Company might then have refused granting compensation to any officer, if they had thought proper, under that Act of Parliament?—I think they might.

253. Are you aware, that in the discussions which took place in Parliament when that Act was before the House of Commons, that the claims of these officers were admitted by Parliament, and that this clause was expressly framed in order to meet those claims?—I am aware that upon a representation from the Court of Directors, founded upon an application from some of the maritime servants, the clause was made sufficiently comprehensive to enable the Court of Directors to grant compensation to these officers, as well as to other descriptions of servants.

254. Then is it your opinion, that the Court of Directors and the Board of Control had the power of refusing or granting compensation to the maritime officers of the company without the control of Parliament?—I have already explained that the opinion entertained upon this subject has been, that that clause is permissive and not obligatory on the Court of Directors.

255. How would you account for that part of the clause in question, which expressly provides that no compensation so awarded by the Court of Directors should be paid until two months after the tables of compensations had been laid before both Houses of Parliament?—I should imagine that the object of that clause was to give Parliament the opportunity of controlling grants made under the permission given to the company by that clause, if they should so think fit.

256. Then you entertain no doubt, that if Parliament should think that compensation had been withheld from parties that were justly and equitably entitled to it, that the Court of Directors would be bound on the authority of Parliament to compensate such parties?—Undoubtedly; if an Act of Parliament is passed declaring that certain parties shall have compensation, the company must be bound by it.

257. Mr. *Bagshaw.*] Then it was not the original intention of the Court of Directors to grant any compensation whatever to their maritime officers, it not having been so specified in the original Act of Parliament?—I should imagine, so far as I can judge of the intention of the Court of Directors, it was always their intention to entertain claims of that description.

258. I perceive that Captain Newall's ship was cleared in November 1830, that is to say, he concluded his five voyages in November 1830; was he employed in the freight service between that period and the breaking of the company's charter?—He was not.

259. There

259. There was an opportunity for him to do so had he been so inclined, and could have made the interest necessary?—There was time.

260. I believe that will apply also to captain Glasspoole, who appears to have cleared in May 1832?—There would have been scarcely time.

261. It would not apply to Captain Barrow, because he did not clear till 1833; but the two gentlemen first named did not avail themselves of the opportunity they had of going into the freight service of the company?—They did not go into the freighted service; perhaps I may add, I am not aware whether they had the opportunity; there were no tenders out for new ships.

262. But it does not follow, that because no tenders were out that no person could obtain the command of a ship in the freight service?—No, certainly not.

263. Mr. *Robinson.*] Is not the sum awarded to the maritime officers of the East India Company, under the compensation clause, considerably short of the estimate formed by the East India Company for the whole amount of compensation?—It is considerably short of the estimate of the cost of the plan of the Court of Proprietors.

264. So that in point of fact, if it should appear that parties have been excluded from compensation who are justly entitled to it, there is no deficiency of funds for the payment of such compensation?—The commercial assets are adequate, undoubtedly, to meet the payments.

265. Mr. *Bagshaw.*] What kind of declaration or what kind of oath does a commander in the freight service take before commencing his voyages, or, when he is sworn in, what is the nature of the oath?—The oath is, that he will be true and faithful to the company; that he will faithfully and truly execute and discharge the trusts reposed in him.

266. Is there nothing said about the purchase of his appointment?—No; I think that has been repealed; there used to be a regulation of that kind, and an oath, but I think, to the best of my recollection, that has been repealed. I am not certain whether it was an oath, but a stipulation of that kind has been repealed.

267. But it was clearly an illegal affair as between the company and a commander, the purchase of the command of a ship?—I apprehend the commander was a party to the charterparty, and the charterparty stipulated that the command should not be sold.

268. *Chairman.*] Will you look at that letter from Mr. Charles Grant, addressed to the Court of Directors, dated the 12th February 1833. Do you find in that letter these words: "The proprietors being in fact the company, are, in one sense, undoubtedly debtors to those who have claims on the company?"—Yes, I do.

269. Will you refer to page 54; do you find in a letter from Mr. Charles Grant of the 14th March 1833, these words: "The assignment of the company's commercial property must necessarily involve, also, a transfer to the Government of all the obligations, whether of a legal kind, or binding on the ground of equity and liberality, which may attach to that property; and to the claims of both descriptions the Government are prepared to give every fair and proper degree of consideration?"—I do.

270. Did not the Court of Proprietors, by a unanimous vote on the 16th of December 1835, declare that the petitioners were entitled to the pensions they claimed?—They did.

271. Does it not therefore follow, that if the proprietors are the company, and are debtors to those who have claims on the company, and if the Government have accepted, with the assignment of commercial property, the transfer of the company's obligations, and if the proprietors, who are the company, have admitted that, the claims of the petitioners constitute an obligation that the Government stand pledged to redeem those obligations into which they then entered?—Perhaps it would hardly be fair to deprive the Government of any opportunity of judging of what constitutes an obligation after Parliament had provided for all the demands of the company themselves upon the commercial assets. But if I understand the question, it is to this effect, that supposing the proprietors by this resolution to have recognized the claim of the petitioners as a debt due from the company, whether the Government was not bound to admit it by the expression quoted from Mr. Grant's letter, in which, previously to the arrangement being completed, he says, that the debts of the company must be faithfully maintained.

272. "Obligations binding on the ground of equity and liberality, as well as of

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a legal kind," is his expression?—Well, I should take the liberty of saying, in answer to that question, that inasmuch as now the whole of the claims of the company themselves upon the assets have been satisfied, and the company jointly with the Government administer the revenues of India, it would be hardly fair to say that the Court of Proprietors should be the sole judges of what constitutes an obligation.

273. Mr. *Bagshaw.*] Particularly as they are secured their dividends of ten and a half per cent. during their 40 years' continuance, and the full amount of 200*l.* for every 100*l.* at the conclusion of that period. That is so, is it not?—It is.

274. And that is secured upon the territorial revenues of India?—It is.

275. Mr. *Praed.*] And not subject to debts and liabilities?—None.

276. And under those circumstances the Court of Proprietors, being entirely relieved from all debts and liabilities, do you think them solely and singly sufficient judges of the extent to which those debts are to go?—No.

277. *Chairman.*] I think you stated the commercial assets had realized about 15,000,000*l.*?—Yes, about that.

278. What is the revenue derivable from the investment of those commercial assets of 15,000,000*l.*?—I think about 6 or 700,000*l.* a year. I am not certain as to the actual sum.

279. What is the amount of the dividends actually payable?—£. 630,000 a year.

280. Then it appears, that the produce of the investment of the commercial assets given up by the company is now found sufficient to pay the dividends to the proprietors, without recourse to the territorial revenue?—I think it would, if it had been advantageously invested, or we had been at liberty to invest it as we pleased; but the Committee perhaps are aware, that a large portion of these assets was applied necessarily disadvantageously. The Carnatic debt, which was a debt bearing an interest of only three per cent., a great portion of it, and the remainder only four per cent., we were compelled to discharge at par out of these assets; consequently, that was a very disadvantageous investment *pro tanto*; but taking it at five per cent., the assets were much more than sufficient to pay the dividends.

281. Do you, in point of fact, consider there will be any actual charge upon the territorial revenues of India, in order to pay the engagements of the East India Company, beyond that which the produce of the commercial assets will realize?—My impression is, and always has been, that it was a very fair bargain on both sides.

282. Mr. *Bagshaw.*] Has not the debt of this country a priority of claim over the debts of India; has not the British debt a priority of claim on the territorial revenue over the debts of India?—I do not see what connexion the debt of this country can have with the revenue of India.

283. What I meant to ask was, whether the dividend of the proprietors has not a priority of claim on the territorial revenue of India?—Yes, it has.

284. *Chairman.*] But the whole commercial assets have been transferred to the territorial account, have they not?—They have, all by law.

285. Have you an account of the names, ages, and number of voyages in command, of all captains' own ships since 1815, distinguishing the number of voyages performed in company's own ships respectively, and causes of retirement if less than five voyages?—I have.

[*The same was handed in. Vide* Appendix.]

286. Have you an account of the sums paid into the company's treasury as tax upon teas by Captains D. R. Newall, T. W. Barrow and R. Glasspoole, respectively, with five per cent. interest added, to the present time?—I have.

[*The same was handed in. Vide* Appendix.]

287. Have you a list of those commanders only of the East India Company's maritime service who, since 1792, have commanded more than five voyages in company's ships, specifying how many voyages each has commanded, and distinguishing those now in receipt of the compensation pension, and also those who were appointed to the office of master-attendant, or director of the East India Company?—I have.

[*The same was handed in. Vide* Appendix.]

288. Have

288. Have you a copy of the Report of the Finance and Home Committee of the Court of Directors of the East India Company, dated the 7th May 1834?—I have. *J. C. Melvill*, Esq. 18 April 1837.

[*The same was handed in. Vide* Appendix.]

289. Have you a list of the names of the captains who had commanded company's own ships, and subsequently became candidates for the office of master-attendant in England, or in India, since 1815, distinguishing those who were appointed to such office?—I have.

[*The same was handed in. Vide* Appendix.]

290. Have you copies of the statement of service and declaration delivered by Captains Newall, Barrow and Glasspoole, respectively, to the Court of Directors?—I have.

[*The same was handed in. Vide* Appendix.]

Martis, 25° die Aprilis, 1837.

MEMBERS PRESENT.

Captain Alsager.	Mr. Palmer.
Mr. Bagshaw.	Mr. Praed.
Mr. Hastie.	Lord Granville Somerset.
Mr. Lynch.	Alderman Wood.
Mr. Marjoribanks.	Mr. Young.

MR. GEORGE FREDERICK YOUNG, IN THE CHAIR.

Stewart Marjoribanks, Esq. (a Member of the Committee,) Examined.

291. *Chairman.*] I BELIEVE you were managing owner of several regular freight ships in the East India Company's service?—Do you mean by that, China ships, or ships of other descriptions, because I had some of both; some of one description and some of the other. *S. Marjoribanks*, Esq. 25 April 1837.

292. Ships chartered by the East India Company?—I had five of the first class of Chinamen, and my partner had one. I had also one of 1,000 tons, besides other small ones.

293. You are perfectly acquainted with the practice and regulations of the East India Company's late maritime service?—I think I am; I ought to be.

294. Was it not usual for managing owners, when they appointed commanders, to arrange with those commanders that they should quit the ships after the performance of an agreed number of voyages?—Such arrangements certainly were frequently made; I do not say upon all occasions; but I have made such arrangements myself. That a man should sail for two or three voyages, and that I should re-appoint him, or not, as I thought fit; that arrangement was very common.

295. What is the greatest number of voyages that you have known managing owners give to any commander?—I think the best way I can answer that is to state what has been my own case, because I know that, individually, I have had commanders in my ships six voyages; I have had them five, and I have had them four, and I have had them three, as circumstances required, and I have had them one.

296. Do you know of any commander continuing in his command more than six voyages in the freight service?—Not in my own ships, but I have heard of such cases; I think there was Captain Graham, and I think there was Captain Hine. I would rather confine my evidence to my own ships, but my impression is, that after having gone five or six voyages they have changed their owners, and gone voyages in the employment of other owners.

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297. After the performance of the stipulated number of voyages, are you aware of any restriction in the freight service upon commanders continuing their command for any indefinite period?—Certainly not, in any other employ.

298. Are you aware that the Court of Directors for the East India Company restricted, by their regulations, the commanders of ships in their service to five voyages?—They did.

299. And I understood that the reason for doing that was, that the promotion was very slow in their service; and if they had continued a man beyond that number of voyages, junior officers would have had no chance of promotion. I believe it was nothing unusual for a man, after being ten or fifteen years in the company's service, not to reach that rank in the service that would qualify him for a command. He was obliged to be a second officer in the service before he was qualified for a command.

300. Did you consider the commanders who had completed the limited number of voyages in the company's service, as eligible to the appointment of a command in your employ, if you had thought fit so to appoint?—Most assuredly.

301. Would you have hesitated to have appointed any gentleman so circumstanced to a command in your employ?—Certainly, if I had had a vacancy—and I had better put it in this way, because it happens so seldom that you have an opportunity of appointing a commander; but if I had had a ship at Gravesend outward bound, and anything had occurred to prevent the commander sworn in going that voyage, although personally unknown to any of the officers now before the Committee, from their character in the service, I should consider myself fortunate if any of them had been at hand, and I had had an opportunity of asking them to go the voyage.

302. Do you know any instance of a captain having commanded in a company's own ship for four voyages, and subsequently commanding in freight ships?—I think there was an instance in the case of Captain Birch. He commanded, if I recollect, the Britannia, in the company's service, and afterwards commanded the Cabalva.

303. Are you in fact aware of any difference, as regarded the future prospects of a commander, whether he had commanded five voyages in a company's own, or in a freight ship; the prospects after the completion of the command; are you aware of any difference?—I see no difference whatever.

304. Was the pay and allowance to the captains of your ships in the company's service equal to those of the company's own captains?—In every sense of the word. I took the allowance, what is generally termed the cuddy allowance, from the company's regulations in the year 1816, when I first built my ships, and pursued that ever afterwards.

305. May I ask you what proportion of each ship you hold as managing owner?—In some I hold, perhaps, 10-16ths, and some 12; and I do not think I had any under 9 or 10; the others were filled up principally by friends and relations.

306. Was it not a great advantage to the captains to obtain double voyages to China, instead of going to China direct?—Most assuredly; their prospects depended upon that in a great measure.

307. Was it the practice of the Court of Directors to favour the commanders of their own ships, by giving them the double voyages?—I never heard of an instance of favour being shown to the commanders from the directors as a body. The commanders had the opportunity of applying to the directors individually, as much as any other commander in the freight service, but upon no other terms that I am aware of.

308. Then, in point of fact, do you think the command of a freight ship was equal in point of emolument to the command of a company's own ship?—I can see no difference; and as you have touched on the point of double voyages, I should say that the commander of a freight ship had very greatly the advantage over the commander of a company's ship, because he had his own interest to play with; and if he was a good officer, or an officer who conducted himself to the satisfaction of the owner, he naturally had his best interest to promote the obtaining of double voyages. I may mention, because I happen to recollect at this moment, that out of thirty-five or thirty-six voyages, my ships had thirty or thirty-one double voyages.

309. Did you ever know an instance of officers voluntarily quitting the company's

pany's own ships to enter the freight service?—Yes, and others making applications to do so.

310. Was that, in your opinion, for the purpose of obtaining an increase of rank or emolument?—As far as my recollection goes, (it is very difficult to recollect,) but as far as my recollection goes, I know one who left the company's service, and he was a chief officer in my service afterwards; but I knew another instance of a junior officer leaving the company's service after he had gone one or two voyages as a midshipman, and commanding a ship of mine at twenty-five; Captain Arbuthnot; he commanded the Hythe at the age of twenty-five.

311. Have all those gentlemen who commanded ships in your employ been admitted to pension?—I believe all of them, with the exception of one, Captain Frederick Madan, who commanded the Berwickshire; and he could not conscientiously sign the declaration that he intended to go to sea again. I think I might add, that he never served afterwards; not because he did not require it, for he was a man of only moderate fortune: it was entirely from feeling that he declined.

312. Mr. *Praed.*] You stated, Captain Birch returned to the freight service after he had commanded a company's own ship?—I did.

313. Was that subsequent to the adoption of the regulations in 1815?—I cannot say that.

314. I see Captain Birch's first command was dated in 1803?—I hope you understand that, in saying that, I cannot charge my recollection. You understand I was asked if any commander had returned to the freight service; I cannot say what year it was in, or anything of that kind.

315. That is to say, you do not know whether any instance has occurred subsequent to the putting of the company's own service on the present footing?—No; instances may have occurred; but I cannot recollect dates.

316. You stated that the allowance was identically the same in the company's own as the freight service?—As far as I know; I say positively they were so. I mean by allowance, that the pay is the same; and the other allowances, the only allowance that I know that was made to East India Company's commanders, was for what we call the table expenses out and home.

317. Do you mean that, practically and in fact, the advantages to a commander in the freight service were the same as to a commander of the company's own ships?—I have no hesitation in saying, if I am to give an opinion upon it, that the situation of the one was preferable to the other, for the reason I gave.

318. That is, that the commander of the freight service was preferable?—Yes; because he had two chances to get the great objects of the service, double voyages; whereas, the other had only his own individual interest.

319. Then, if Mr. Melvill stated to us, that of two captains, one commanding in the company's own service, and bound to leave the service after five voyages, and another captain in the freight service entitled to five voyages, and at liberty to continue in the service afterwards, he should prefer the situation of the commander of the company's own service, although bound to leave the service, after five voyages; can you at all account for the opinion Mr. Melvill expressed?—A difference of opinion expressly. There have been more men made fortunes in the freight service than in the company's own service.

320. You of course, then, are not aware of any private agreements between owners and their captains, by which the ostensible advantages conveyed to the captains might, in the freight service, be diminished?—I am not aware of any but what was rather so far arranged as that it was nothing unusual for a captain taking the command of a ship to take so many shares, but those shares, sometimes, turned out very often better than the voyage at that time. That I have no doubt about, but I cannot speak for a whole service; there might be various arrangements made. I have certainly heard of other arrangements; I do not mean to speak of anything I do not positively know.

321. Then your impression is, that the advantage conveyed to the commander of the freight service was practically greater than that conveyed to the commander of the company's own ships?—Yes; and I have given my reason. I am taking the case of an owner anxious for the welfare and prosperity of his commander; and I am taking the case, also, of a commander anxious for the success of his owner, and the two men working well together, that they had the chance of the

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owner's interest as well as their own to get the object, which was the first object of the service, the double voyage.

322. Your impression is, that, generally speaking, the situation of commanders of freight ships was better than the situation of commanders in the company's own ships?—I think so, but that is quite matter of opinion; and I only speak from what I have had before me in my own ships.

323. Lord *Granville Somerset.*] I am to understand, then, that supposing ten years were to be taken, during which the captain of a freight ship was to be constantly employed, and during which the captain of an own ship was to be employed, that on the whole you would expect that the freight captain would be better off than the own captain?—I will not say better off, but I should expect him to be fully as well off; I see no reason why he should not, as far as I know of any arrangement that has been made.

324. Then, in addition to that, there is the advantage, that in your service, that is to say the freight service, officers might begin to be at the top of their profession at an earlier age than they could by possibility be in the other service?—I believe I might say they would have a command in the freight service before they could be fourth mates in the company's own service.

325. Then, under those circumstances, the captains of the company's own ships would, at the end of their five voyages, necessarily be in a worse condition than the captains at the end of five freight voyages?—But you are to take this into consideration, that most of those commanders who came to the company's own ships were actually brought up previously in the freight service, because it is all one service, and then when the company built their own ships they made their selection.

326. Then can you account at all from your experience why the East India maritime officers, when the East India Company took to their own ships, were anxious to obtain commands of those ships in preference to the freight ships?—There were many reasons I imagine; at one time a man took shares to get the command of a ship; that was previous to 1816: he sunk almost all his capital by doing so previous to 1816.

327. Then I am to understand it required a large capital on the part of the freight officers to do it?—It did decidedly; if a man took three or four shares he required that capital to do it; but if it was a good thing, the holding of ten or eleven shares for the owner, it was a good thing for the captain.

328. Mr. *Bagshaw.*] I think you only speak of the practice in your employ?—Only in my own employ.

329. I believe the general impression was, that the company's own ships were much more lucrative than the freight ships of the company?—I do not know what the general impression was, it was not mine.

330. It was no uncommon thing, I think, for commanders to pay the owner a certain sum for a voyage?—I have heard of that also; I never received any money for the command. I cannot say that I know the transaction took place.

331. But it is matter of common notoriety that sums of money were paid contrary to the company's regulations for voyages?—What was matter of common notoriety was as well known to any member of the Committee as to myself.

332. I think you stated that the only grounds on which the East India Company confined commanders to five voyages in their own service was, that the promotions might go on more rapidly?—I believe that their reason for doing so arose from that circumstance: if they had gone beyond the five voyages the junior officers would have had no chance of promotion, and a very bad chance they had as it was.

333. Have you not heard there was another ground, namely, that commanders in their own service would in that period be able to retire with something like an independence?—I cannot say what were the sole motives of the directors.

334. Can you tell me the number of captains who held commands in the company's service who have, since the company ceased to trade, become traders on their own account, or as commanders of free traders?—Do you mean in the company's own service?

335. In either the freight or the other?—I know several who have gone into the free service; I cannot charge my recollection with any who commanded the company's own ships, but I know several of the others.

336. Will you mention two or three of them?—There is Captain Thomas, who commanded

commanded the Berwickshire; there is Captain Hine, Captain Nairn, and Captain Scott.

337. Are you not of opinion that the free trade to China at the present period is equal, as far as the command of a ship goes, to what the company's would have been if they had continued to trade to China, having the competition of the free trade against them?—I know it is not by any means a good thing now.

338. But it has been since the breaking up of the company's monopoly?—I have not found it so.

339. Neither for owner nor commander?—I should say that there might have been some commanders last year who brought home the article of silk, and when it was at a very high price might have realized something upon that; but I am sure they realized nothing on the tea.

340. Perhaps you will be good enough to tell the Committee the amount per ton of the last ship you had employed in the company's service; that she was chartered at; so much a ton, is it not, for the voyage?—Yes; I had some at 26 *l.* a ton, some at 26 *l.* 10 *s.* a ton, some at 27 *l.*, some at 23 *l.* or 24 *l.*, and I had some at 22 *l.*

341. Have you ever chartered a private ship to the company for a single voyage to China?—Never, that I recollect at this moment.

342. Do you recollect any person who did?—I cannot immediately recollect; I do not think the company were in the habit of having private ships chartered for a single voyage.

343. Are you aware that ships have been chartered for that voyage as low as 8 *l.* a ton?—I do not know; I never chartered any so low as that.

344. Have you heard that charters were made as low as that?—I cannot charge my recollection at this moment.

345. I think you told us Captain Birch left the company's service after having performed four voyages only?—I do not recollect what number of voyages he performed. I was asked whether I knew an instance of a captain having left the company's service to take the command of a freight ship, and I mentioned the case of Captain Birch; but allow me again to repeat, that I do not pretend to know the whole service in that kind of way; I am perfectly satisfied with what I know were the general habits, as I understood them, of the freight service; but I cannot say; I took no charge of the company's service further than any other commercial man did.

346. Do you happen to recollect at the time the company's service was formed how the commands were given away of those ships?—I cannot speak positively; but I think the company had one or two ships previous to 1815 or 1816. They increased the number at that time, and I think they took men who had commanded the old ships, and second mates, and so on, that were eligible for the new ships, if I recollect right, and I do not know, I will not positively say, that it might not have been a matter of favour in some cases; interest. I think it was so.

347. Lord *Granville Somerset.*] Will the witness refer to question 163 of the examination of Mr. Melvill, wherein he will observe that, in answer to that question, Mr. Melvill states that "a commander of the company's own ship had his privilege entirely free; he paid nothing for it; but a commander of the freighted service, I apprehend the Committee is well aware, is differently circumstanced in that respect." Will you explain to the Committee what Mr. Melvill must have meant, first of all, by saying that a commander of a company's own ship had his privilege entirely free, and that he paid nothing for it; and then, that a commander of the freighted service was differently circumstanced in that respect?—Always what we termed the captain's privilege was, a certain quantity of tonnage; that is what we understood.

348. Were you, as a freight owner, paid for that privilege by the commanders of your freight ships?—Certainly not. The commanders and officers frequently made arrangements between themselves, for the purchase and sale of their privilege.

349. What I wish to know is, whether the commanders made arrangements in the shape of purchasing that privilege of the owner of the freight ships, in your case?—Certainly not.

350. Well, then, may I ask you just to look at another question or two further on; question 164; in reference to the answers that you have already given. Now do you understand the answer to question 164, in which Mr. Melvill says, that

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his opinion is, that the captains of the company's own ships were infinitely gainers?—It is impossible for me to say what his opinion is.

351. But do you agree or disagree with him?—I told you before I do not think so.

352. Then go on to the answer to question 166; the question is, "That is to say, that in ten years they could have gained more money than the captains of freight ships that might be employed ever so often?" Mr. Melvill's answer is, "I think so." Now your opinion is of a different complexion?—I should think I could name some men in my employ that left off with larger fortunes than some in the company's own service.

Captain *David Rae Newall*, called in; and Examined.

Capt. *D. R. Newall.*

353. *Chairman.*] I BELIEVE you were commander of a ship in the company's own service?—Yes.

354. At what period did you quit your last command?—I was paid off from the ship in March 1831. I was cleared off then by the Court of Directors from the command of the Waterloo.

355. You have made application to be admitted to the pension provided under the regulations made by the Company's Board of Control?—I have.

356. Will you state to the Committee upon what grounds you conceive yourself entitled to receive that compensation?—From the passing of the India Act, and from the proceedings of the East India Company and the Court of Directors, by which I was entitled to the pension, as well as all the other commanders in the service who had sailed and commanded a ship within five years previous to the passing of the Act. I claimed on that account, and sent in my claim to the Court of Directors at the very beginning of the business, after the passing of the Act, when it was decided that they should pension off the officers.

357. But independant of any claim that you might have had under the regulations, do you allege that your interests were injuriously affected by the compulsory discontinuance of the company's right to trade?—Most assuredly so. It was my intention to have pursued the service; and I can prove that I sold off all my furniture, and put my children under two female relatives, for the purpose of being unshackled and unincumbered, on purpose to take the command of a ship; but I had not the opportunity of getting the command of a ship.

358. Was any doubt ever raised as to your eligibility for command in the freight service after the expiration of the five voyages to which you were restricted in the company's service?—None in the world. The last words the chairman of the Court of Directors said to me in March 1831, when I passed the court after my last voyage, were, "Captain Newall, you are eligible to take a future command in a freight ship."

359. Who was the chairman?—I think it was Mr. Astell.

360. Lord *Granville Somerset.*] Do you mean the chairman of the Court of Directors or of the Committee?—Of the Court of Directors.

361. *Chairman.*] Had you in fact taken any steps for the purpose of procuring that command to which you say you were looking?—I was cleared from the ship in March 1831; of course there was a good deal to do in arranging the preceding voyage. My wife died in June 1831, and for a long time after that I was engaged in arranging various family affairs. In March 1832 I sold off all my furniture, as I said before, and placed my children under the care of two female relatives, for the purpose of looking about me and getting the command of a ship, but I found nearly all the company's ships in the seasons of 1832-3 were old ones and taken up for an extra voyage only. I preferred waiting till new ones should be contracted for and built for the service, as we naturally thought they would be; and, as we all expected would be the case, we looked to the renewal of the charter; we had never the slightest idea of the charter being surrendered as it was by the company, but early in 1833 the compromise between the Government and the East India Company was made public, and it was known to all the world that the service was abolished and was at an end. When I came to this Committee I was prepared to take an oath; but I understand that oaths are not administered here, otherwise I was prepared to make an affidavit of my intention to go to sea again.

362. Then, in point of fact, for the reasons you have explained to the Committee, you had not taken any practical steps towards procuring the command

which

which you contemplated?—None with any of the managing owners, for the reasons I stated; I saw no prospect of having a ship then.

363. Had you communicated to any individuals, and to whom, your intention to have pursued the maritime profession?—Yes; Mr. Bruce, my purser, and I had often talked over the matter, even as far as getting shares of the ship, and we had determined to pursue the service together, as we had been four or five voyages together, and he is now in attendance as a witness.

364. Are the Committee to understand that you had engaged to take Mr. Bruce with you as purser on the voyage you contemplated making after the expiration of the last voyage?—Yes, he was to sail with me as purser. And I may as well state, that the upholsterer or the auctioneer who sold all my furniture has heard me repeatedly say it was my intention to dispose of my furniture, which I did at a great loss, as it was my intention to go to sea again, or to get employment, and that was my reason for disposing of my furniture and getting my children settled with two female relatives.

365. Lord *Granville Somerset.*] What is the name of the auctioneer?—James Ayling; he is here in attendance.

366. *Chairman.*] Is there any other evidence you are desirous of furnishing to the Committee of your intention to have pursued your profession?—Here are two letters, one from Captain Blakely; he was the chief mate with me during the last voyage; he is in very bad health with a severe attack of influenza, and he could not come up to town; but this letter goes to prove it was generally talked of in the ship that it was my intention to have pursued the service. And there is another letter from another officer stating the same thing.

367. Have you any other evidence to give with respect to your intentions?—There was Mr. Salter, who was passenger with me during my third voyage, and he has frequently heard me declare that I should be obliged to go to sea till I died, in consequence of my previous voyages having turned out so bad.

368. That was on your third voyage?—On my third voyage.

369. Were your succeeding voyages, your fourth and fifth voyages, more prosperous than those to which you so referred?—One was, but not the other.

370. Of course you are acquainted with the regulations of the East India Company, for the appointment of commanders and officers in their own ships?—Yes.

371. Do you recollect the terms of the eighth regulation?—I do not recollect the particular terms of it.

372. Look at that, if you please, the eighth regulation; read it?—"That any commander or officer who shall quit the company's service shall be considered entirely on the footing of officers in the freight service." That is exactly what we have always understood.

373. Are you aware of any distinction whatever, either of rank or of any other description, between the commanders of the company's own ships and those of their freighted service?—There is none whatever; all by seniority; we take rank by seniority, according to the day we are sworn in.

374. And that not seniority confined to the company's own service?—Not at all.

375. But general seniority in either the one or the other?—In the service. I myself have been always under the command of captains of the freight service.

376. Mr. *Lynch.*] The maritime service includes the company's own and the freight service?—Yes; there is no distinction in rank whatever.

377. Mr. *Praed.*] Are you acquainted with any circumstance which rendered the freight service preferable to the other?—Yes, I am. In the company's own service we exert our own private interest to get double voyages, which it is very difficult to obtain. But in the freight service the owners generally exert their influence to procure for the captains double voyages, and the consequence was, that there were many more captains in the freight service went double voyages than in the company's own service.

378. You consider the freight ships then preferable to the company's own?—In that respect, most assuredly.

379. What is your opinion with respect to the situation of two commanders; the one should be a commander in the company's own service, with his five voyages before him, and the other a commander in the freight service?—It depends on what arrangement the captain made with the managing owner.

380. But I ask generally?—It is a difficult question to answer.

381. Supposing a commander of a freight ship just going to sea for five

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voyages, and a commander in the company's service just going to sea in the company's own ship?—I think I would prefer the freight captain, because I have the interest of the owner to obtain a double voyage.

382. Can you explain to us this question put the other day, and the answer received from Mr. Melvill? (Question 163.) Mr. Melvill was asked, "Can you state to the Committee what would be the superior advantages that they would be likely to derive in these five voyages over what the commanders of freight ships would derive in that same time in as many voyages?" His answer is, "A commander of the company's own ship had his privilege entirely free. He paid nothing for it; but a commander of the freighted service, I apprehend the Committee is well aware, is differently circumstanced in that respect." Can you explain that at all?—I do not understand that they are at all.

383. Do you know what Mr. Melvill means by "privilege entirely free?"—No; the privilege of the freight captains is as free as the company's own captains; there is no difference in the privilege whatever.

384. You are not aware what he means by that?—No, I am not aware of any difference.

385. You state generally you are not aware of any difference in the terms upon which the company and the private owners employ?—None in the world.

386. You said that the chairman said to you when you were whitewashed, as they call it, you were eligible to a command in the freight service?—Yes.

387. Do you recollect whether you returned any answer?—No; we never return any answer upon these occasions; we make a bow and walk off.

388. You said in March 1832 you sold off your furniture, intending to keep yourself free for a command?—Yes.

389. Had you, before you sold off your furniture, taken any steps to ascertain whether there was a probability of your obtaining a command?—I had looked about me, but I could not ascertain that there were any ships vacant, otherwise I might possibly have made some arrangement. Every now and then there are captains dying or leaving off, and sometimes an opportunity occurs of a captain taking the command of a ship at once from a vacancy suddenly occurring. I sold my furniture off for the purpose of being ready, in order that I might take any command that might be vacant.

390. You said you made inquiries, but found all the ships were old?—Yes.

391. And that you intended waiting for the building of new ships?—Yes, to be contracted for on the perpetual charter; we did not expect that would be surrendered at all.

392. Do you mean, that notwithstanding you found all the ships were old, and notwithstanding you intended to wait for the new ships, that you sold off your furniture?—When I sold off my furniture, there were five ships that were new; at least not old. I do not remember the names. There were five ships that were not so old but that they might have gone several voyages. The company contracted for the voyages of the ships; they were only taken up for one voyage, except those that had been contracted for some voyages before. The captains of these ships might have died, or might have given up the command; a thousand things might have occurred by which I might possibly have got the command of one of these, but I thought it was not worth while to take the command of a ship for one voyage only.

393. But you say there were five ships that were not old?—Yes; I forget their names, but I could procure them.

394. Did you ascertain, with respect to those five ships, the terms for which they were commanded, and therefore as to the probability of their commands being vacant?—I did not, because the commanders were in the ships; and it was not likely that either the commanders or the owners would have told the terms while the command was retained; if they had been vacant I would have made a point of ascertaining it.

395. Very great interest and canvass was commonly made for the command of new freighted ships, was it not?—It was.

396. It was a very difficult thing to obtain, was it not?—That will depend on the connexion you have with the managing owners.

397. Your connexion I dare say is considerable?—I have many valuable acquaintances and friends managing ships, who would have given me a command if they could.

398. Again

398. Again then I ask you, a considerable canvass before was necessary to be made; was it not?—Yes, certainly.

399. With that knowledge, and with your extensive connexion, did you state, subsequently to your last command, to any managing owner with whom you were acquainted, your intention of going back to the freight service?—I do not remember that I did to any managing owner; my own purser has often heard me talk upon the subject, but I could see no opening for making any arrangement.

400. But in this great canvass commonly made, do you mean that persons interested in obtaining a command never applied till they saw an actual vacancy?—I do not know that they did; it would depend on the prospects they might have had with their owners.

401. Is that the course you intended to pursue yourself? Would you never have applied until there was a vacant command?—I was waiting to see about the ships—what new ships were tendered.

402. Mr. *Marjoribanks.*] What ships are you alluding to when you say five; do you mean company's ships?—No, freight ships.

403. Mr. *Marjoribanks.*] There were many more than five, because I had four myself.

404. Mr. *Praed.*] On reconsideration, are you sure there were only five ships in good repair capable of going to sea?—I think there were only five that were engaged for more than one voyage.

405. Captain *Alsager.*] I suppose you mean by the five ships, only five that had not outrun their original contract; is that what you mean?—Yes, that is what I mean.

406. Mr. *Praed.*] I understand from you, then, that between 1831, when your last command expired, from that time until the passing of the new Act, you made no communication of your intentions to return to the service to any person who was capable of employing you?—None.

407. Captain *Alsager.*] You are aware that commanders of the company's own ships have entered the freight service, and then returned back again to the company's own ships, without the least objection being made to them?—Yes, without the smallest objection being made.

408. I am speaking of Captain Birch?—Yes, he did.

409. You remember Captain Birch, when the Britannia was lost and the company having only one ship in their service at that period, that he himself tendered and contracted for a freighted ship?—He did.

410. The Cabalva?—Yes.

411. And that after commanding her two voyages, the company increasing their number of ships, he returned and took the command of the Waterloo?—Yes, that is true; I remember that perfectly.

412. Mr. *Praed.*] Do you mean to say that Captain Birch commanded a freight ship after commanding a company's ship, subsequent to 1815?—No, it was before that; before the new regulations.

413. Mr. *Bagshaw.*] I wish to ask you whether the ships that I will mention, namely, the Earl of Balcarras, the George the Fourth, the Edinburgh, the Charles Grant, the Repulse, the Reliance, the Sir David Scott, the Minerva, the Vansittart, and the Abercrombie Robinson, are not now employed in the free trade to India and China, having been formerly ships in the company's service?—I believe they are all now employed in the free trade.

414. It is possible you might have got the command of either of those in the free trade had you been so inclined?—I dare say I might.

415. Captain *Alsager.*] Although you are not aware of any commander of the company's own ships having entered a freight ship after quitting the company's own ships, you are aware that several individuals have applied for situations of certain emoluments?—Yes.

416. Thereby proving that they had not obtained a sufficient competency in the service?—Yes; Captain Jameson and Captain Manning.

417. Lord *Granville Somerset.*] State to the Committee whether or no you conceive the command of the traders at this moment in the East India and China trade is as profitable as the command was before the alteration of the charter?—It was only this morning that I was speaking to a gentleman about it; and I understand it is quite ruinous.

418. Then there is no inference to be drawn from your not seeking that sort of

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of command subsequent to the revocation of that part of the East India Company's charter?—Certainly not. The command of a free trader is very different, in every respect, from the command of a company's ship.

419. *Chairman.*] Do you happen to know the number of commanders of company's own ships who have completed the five voyages to which they were restricted, the whole number?—Yes.

420. How many?—Five; besides the three that are now claiming.

421. Are you acquainted with any reason that induced the five, to which you refer, to abstain from the further pursuit of their profession after the expiration of their limited voyages?—I think Captain Cameron is the first that retired; he is a bachelor, and a man of good fortune. I believe Captain Sotheby is the same; and I understood from a letter of Captain Manning, that he intended to have tendered a ship to the company, if they had continued to have traded in common with the rest.

422. Has Captain Manning made that communication to you?—I think I had a letter mentioning as much; I think so; I think that is the tenor of his letter; I am almost certain it is, and it was generally understood that it was his intention also.

423. You have named Captain Cameron, Captain Sotheby, and Captain Manning?—Yes; and I may also name Captain Alsager, who is now present.

William Bruce, called in; and Examined.

William Bruce.

424. *Chairman.*] YOU have been a purser in the East India Company's service, I believe?—Yes.

425. Did you ever sail with Captain Newall?—I sailed five voyages with Captain Newall, as purser.

426. In what ship?—Four voyages with him in the Scaleby Castle; and I came home from China with him in the Waterloo.

427. Did Captain Newall ever make any communication to you of what was his intention after the expiration of the five voyages to which the command was limited in the company's service?—Yes, he did; the voyages finished when we came home in August 1830; and immediately after, in October or November, he told me of his intention to go to sea again in the freighted service.

428. Did he make any arrangement with you affecting yourself personally?—We made an arrangement together, that if he went to sea again I was to go with him as purser, in consequence of which I did not go to sea again in any other ship; I stopped on purpose that I might go with him, if he did go to sea.

429. As purser to Captain Newall, I presume you were acquainted with the state of all his accounts, as far as they referred to the emoluments derived from the voyages in which you sailed with him?—Entirely.

430. Were those voyages on the whole so productive to Captain Newall as to induce a belief on your mind that he had realized a sufficient fortune to retire upon?—No; they were not so productive as they ought to have been.

431. Mr. *Praed.*] Were these conversations with Captain Newall frequently?—Oh yes! frequently, from the time we came home in 1830.

432. During the last voyage?—Yes, in coming home; during the last voyage.

433. Subsequent to his last voyage, did he make any communication to you on the subject?—Yes; he always said, in consequence of his voyages having turned out indifferent, it was his intention to go to sea again in the freight service.

434. After the termination of the last voyage you had with Captain Newall, on shore where did you reside?—I resided at Peckham.

435. Where did he reside?—At that time in Sloane-street, when he came home.

436. We have learned from Captain Newall, that subsequent to the termination of the last voyage, he took some steps in preparation for a future voyage, and that he made inquiries with respect to the possibility of obtaining employment?—Yes; I understood he spoke to some managing owners with regard to getting a freighted ship.

437. But what I want to ask you is this, that while Captain Newall was making inquiries with a view to ascertain the probability of being able to get a command, did he make any communication by letter to you on the subject?—No, not to me; merely speaking to me at the Jerusalem Coffee-house, where we met once or twice a week.

438. But

438. But he did speak to you at the Jerusalem Coffee-house, informing you of the result of his inquiries?—No; he never told me the result of his inquiries.

439. He had at that time engaged you to go out with him as purser?—Yes, provided he could get a ship; but when we came home in 1830, at that time all the ships for the season were taken up for that season; we came home in August 1830, and Mrs. Newall died in June 1831, after which Captain Newall sold his furniture off, with the intention of going to sea again.

440. But what I want to ask you is this: Captain Newall has told us he was making inquiries respecting the possibility of obtaining a ship; did he ever, by letter, or word of mouth, communicate to you, who were interested in the result of those inquiries, what the result of them was?—No, he did not.

441. Mr. *Bagshaw.*] How are you occupied now?—I hold part of a ship in conjunction with some of my friends, and I have been an underwriter at Lloyd's.

442. And that has been since August 1830?—Since the year 1831. I did not begin till the year 1831; March or April 1831.

443. You opened an establishment, I presume?—No; merely a counting-house, I have no clerks, only myself.

444. And you became an underwriter at Lloyd's, and the managing owner of a ship?—Yes; I have part of a ship in conjunction with a brother-in-law of mine.

445. What is the name of the ship?—The Bussora Merchant.

446. Then, if I remember right, you are a managing owner of the Bussora Merchant?—Yes.

447. And became an underwriter in March 1831?—Yes.

448. And at that time you held a share in this ship, and were managing owner also?—Yes.

449. From that time?—Yes, from that time.

450. Mr. *Hastie.*] How many double voyages did Capt. Newall go?—Three double voyages, and two single voyages.

451. Are not the double voyages much more profitable than the direct ones?—Yes; the direct ones are not worth anything.

452. What would be the ordinary estimate of a direct voyage?—I could not calculate a direct voyage at more than 1,500 *l.* or 2,000 *l.*

453. And the double voyage?—It depends on circumstances, sometimes 5,000 *l.*, 7,000 *l.* to 10,000 *l.*

454. Then a freighted ship did not stand a better chance of getting a double voyage than a company's ship?—That would depend on the interest they had.

455. Mr. *Bagshaw.*] But out of Capt. Newall's five voyages three were double voyages?—Yes; one to Bombay and China, and two to Bengal and China.

456. Therefore he had his full number of double voyages; more than his full number according to the service generally?—Some commanders have had all double voyages.

457. Lord *Granville Somerset.*] But commanders of what sort?—Freighted ships generally had the best voyages, I think.

458. Mr. *Lynch.*] What was the object Captain Newall had in selling his furniture?—So as to be ready to go to sea, if the company's charter had not been surrendered.

459. Mr. *Praed.*] What sort of notice did a commander receive when he got employment; how soon was it necessary to sail?—The ships were generally stationed in the month of September and October; and they sailed from the beginning of January up to the middle of April; the ships for Bengal and China go away about the first of January.

460. But applications were made some weeks or months before, at least, for the command of these vessels, were not they?—There was never any public advertisement.

461. No; but those captains that desired to obtain commands, made interest for commands months before?—Yes; months before.

462. Then surely in those months they would have time to sell off their furniture?—Yes.

463. *Chairman.*] But was not the winding up of Captain Newall's domestic establishment in consequence of the death of his wife, and the necessity therefore for some permanent arrangement with respect to his children?—Yes; certainly.

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464. Mr. *Lynch.*] Did he place his children any where?—Yes; he placed his children with two female relatives.

465. Lord *Granville Somerset.*] Does it not sometimes happen that the commanders of ships are, from casual circumstances, suddenly obliged to give up that command before they sail?—I have known gentlemen resign the command immediately before they sailed, from ill health.

466. Then is it not of great importance for any party who wishes to get the first opportunity of employment, to be quite ready to take up that command, and to step into the situation of that captain?—There is no doubt of it.

467. Mr. *Lynch.*] And that does sometimes occur?—Yes; I have known instances of captains resigning ships when they have been at Gravesend.

468. Lord *Granville Somerset.*] I believe you are intimate with Captain Newall?—Yes.

469. And I think Captain Newall married again?—Yes.

470. Can you state when he was married again; was it not after the East India Bill was passed in the House of Commons?—I think so.

471. In August 1833, was it not?—I think it was about two years after his first wife died.

472. About August 1833, was it not?—I think so.

473. Mr. *Bagshaw.*] How many years were you a purser in the service?—From 1816 to 1830.

474. How many instances did you know during that period, of ships, by casualties, losing their commanders, or their commanders being obliged to stop at home from ill health, and others placed on command?—The first instance I knew was when I went to sea myself.

475. How many instances do you recollect?—I recollect two; Captain Donaldson and Captain Patterson.

476. Those were two cases in twenty years?—Yes. There may have been more, but I do not recollect them.

477. But you only recollect two cases in twenty years?—No.

Mr. *James Ayling*, called in; and Examined.

Mr. *Jas. Ayling.*

478. *Chairman.*] WHAT business are you?—An upholsterer and agent.

479. Were you employed by Captain Newall for the purpose of disposing of his furniture and effects?—I was.

480. Did Captain Newall at any period ever state to you what was the reason of his making such sale?—Certainly he did.

481. State what that was?—That he would be disencumbered to take a ship.

482. Did he make that statement to you on more than one occasion?—He did so.

483. Did he enter into any other explanation with you than that general declaration?—That he wished me to dispose of his property for that purpose, without any reserve, which I did.

484. Lord *Granville Somerset.*] When did this conversation take place?—In March 1832. No; in February 1832; and I disposed of it in March 1832.

485. Mr. *Bagshaw.*] Had you known Captain Newall previously to that period?—Certainly I had.

486. How long?—I should think I had known Captain Newall three or four years at that time.

487. What time did his lady die?—I think his lady died very near the end of 1831; I think so.

488. How many children had he?—I think four; three or four; I am not positive.

489. Did he not state as a motive, besides going to sea, that of wishing to break up his establishment for the purpose of placing his children under other care?—The only motive he had, when he stated to me his intention of placing his children under care, was his getting a ship.

490. You knew Captain Newall intimately; did you?—No more than doing business with me.

491. Mr. *Praed.*] Do you know with whom Captain Newall's children were placed?—With the Misses Gleddah.

492. Were they relations of Captain Newall's?—I think they were, either of his or the late Mrs. Newall's.

Captain

Captain *Newall*, again called in; and Examined.

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493. Mr. *Praed*.] WITH whom were your children placed?—With the Misses Gleddah, of Brompton Square.

494. Were they relations of yours?—Relations of my first wife.

495. Did you make any communication to those ladies of the reason why you placed your children under their care?—Yes; they are in France.

496. But you think you did communicate to those ladies the reason why you placed your children away from your own care?—Oh yes; I certainly explained to them the reason of it.

497. That reason being, that you intended to return to the service?—Yes.

498. Lord *Granville Somerset*.] I think you did not marry a second time till about August 1833?—August 1833.

Captain *William Barrow*, called in; and Examined.

Capt. *W. Barrow*.

499. *Chairman*.] YOU were a commander in the East India Company's own service, I think?—I was.

500. What ship did you last command?—The George the Fourth.

501. When did you return from your last voyage?—I arrived in March 1833.

502. Had you then completed the five voyages, to which, by the regulations of the company, you were restricted in their own service?—Yes; I had.

503. Was any communication made to you when you were what is technically termed "whitewashed," I believe, by the Court of Directors. Did you receive any communication at that period, with respect to future employment?—No; I did not.

504. From the chairman or any other individual?—No; it was usual to say that we were now eligible to be sworn in again; but it was known the service was over, and the chairman did not say anything of the kind to me.

505. Have you made application to be admitted to pension?—Yes; I have.

506. On what ground do you consider yourself entitled to pension, having completed the five voyages to which you were restricted by the company's regulation, in the command of their own ships?—I was eligible to go as commander in the freighted service. There was no regulation in the company's own, to prevent our returning to the freighted service.

507. Was it, in point of fact, your intention to have returned to that service?—It was.

508. Can you furnish the Committee with any evidence either of that intention, or of any steps taken by you for the purpose of giving effect to such intention?—I had not time after my last voyage, before the service was done away, to make any arrangement of any kind for the command of a ship. In short, I did not apply to any managing owner, for I should only have been laughed at if I had done anything, because the service was at an end.

509. But had you previously taken any steps indicative of an intention to have pursued the maritime profession after the expiration of your command?—No, I had not; because I did not suppose it was necessary at all to do so until my voyage was completed.

510. Had you communicated such an intention to any parties?—Yes, I had; to several.

511. Will you name them, or any of the parties to whom you made such communication now in London?—Yes; three of them are now present.

512. Will you name one?—Mr. Henry Methold.

513. Lord *Granville Somerset*.] What is he?—A solicitor.

514. *Chairman*.] Did he act as your solicitor?—Yes, he did.

515. Was it on any special occasion that you communicated that to him?—It was on his making my will, previous to my going on my last voyage, and settling my affairs after my father's death.

516. What was the nature of the communication you then made to Mr. Methold?—That as I had made so little by the service, and as my father left me so little, I must go to sea again; and that after my voyages were out, the five voyages would not be sufficient to enable me to provide for my family.

517. Who were the other parties to whom you made a similar communication?—My chief-mate on the last voyage.

518. Lord *Granville Somerset*.] What is his name?—Thomas Penfold.

519. Is he in London now?—Yes, he is here.

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520. *Chairman.*] You named a third?—A Mr. Templeton, who was a passenger with me from Bengal to China, on my third voyage, also heard me say then, that my voyages produced so little that five would certainly not be enough, I must go to sea afterwards.

521. Have you a family?—I have.

522. Lord *Granville Somerset.*] How many double voyages had you out of your five?—Three.

523. Which were they?—Two to Bengal and China, and one to Bombay and China.

524. You performed five voyages; which of those five were the double voyages?—The second, the fourth, and fifth.

525. Now, had you any knowledge, or any suspicion, before you arrived in England in March 1833, that the habit of having freight ships, or company's own ships, would be done away with in any re-arrangement of the East India charter?—No.

526. At the moment when you were whitewashed must not the directors have been cognisant of that change?—Yes.

527. Could you state to the Committee whether it was notorious that the chairman of the directors, in finishing that whitewashing, was in the habit of addressing the captain in their own service after the end of his five voyages, and stating to him that he might then go into the freight service?—On all my voyages except the last, the chairman always told me I might attend to be sworn in to my next ship.

528. But, then, that was with regard to the company's own ships, not the freight ships?—With regard to the company's own.

529. But did any communication ever take place, to your knowledge, with captains of the company's own ships, as to their eligibility or ineligibility for taking the command in the freight service, after they had terminated the command in the company's own ships?—I always understood the chairman said they were eligible to command in the freight service, but I cannot speak to that of my own knowledge.

530. But was it at all with reference to that knowledge of which you seemed assured, that you made this communication to your solicitor previous to your five voyages?—Yes.

531. *Chairman.*] Had you, in fact, the slightest idea that any objection would be taken to your assuming the command of a ship in the freight service if you could have made arrangements for being presented to such a command?—Not the slightest.

532. Lord *Granville Somerset.*] Perhaps you had better state your age at the termination of your voyage in 1833?—I was then 44.

533. Were there not many officers notoriously much older than that in command of ships in the freight service?—Yes; several.

534. Now, as a general question, were there any advantages to the captains of the company's own ships, which the captains of the company's freight ships did not enjoy?—I believe not.

535. Was there any emolument which the one did not possess that the other did?—None; we were on the same footing exactly.

536. Mr. *Bagshaw.*] There was no advantage whatever in the company's own service over the freight service?—I am not aware of any advantage or emolument, or anything of the kind; our pay was the same.

537. You had no necessity for taking shares in the company's own ship that you had in a freight ship?—Certainly not.

538. Or purchasing the command in the event of not taking shares?—No; we had nothing to pay for command.

539. Do you know of any instance of a company's own commander, having gone his five voyages, retiring to the company's freight service afterwards?—No; I believe there is no instance.

Mr. *Henry Methold,* called in; and Examined.

Mr. *Henry Methold.*

540. *Chairman.*] I BELIEVE you are a solicitor?—I am.

541. Have you been employed professionally by Captain Barrow?—I have.

542. And confidentially?—Yes; I have been on intimate terms with him, besides, for some years.

543. I believe you were employed for the purpose of making Captain Barrow's will, previous to his sailing on the last voyage?—Yes, I was.

544. In

544. In what year was that?—I think it was in the beginning of the year 1832; it was either the end of 1831 or the beginning of 1832.

Mr. *Henry Methold.*

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545. Did Captain Barrow then make any communication to you in reference to his intentions after the expiration of the voyage on which he was then about to engage?—He talked to me generally of his affairs at that time. He lost his father at the end of the year 1831, and he appeared to be considerably disappointed in his expectations; and he told me upon that occasion, as he had upon many others, that it certainly was his intention to go to sea again. He conferred with me about his affairs generally at the time, and I made his will. He appeared to have been disappointed in his voyages, and particularly in his expectations, I think, from his father, who died at that time.

546. Lord *Granville Somerset.*] Then in his talk with you on the subject of his affairs, he talked to you of the pursuance of commanding in the East India trade, as a resource?—Certainly. He said it would enable him to provide for his wife and family, and he should feel it his duty to go to sea again.

547. And by going to sea again, you understood it was to be in the East India service?—Yes; of course I imagined it to be so, because I knew him to be a captain in that service.

548. And therefore, considering the regulations of the East India Company with regard to their own ships, it must have had reference to the freight ships?—Yes; I considered so. I knew his affairs generally, and I knew his property was not large, and therefore I believe he would have gone to sea again.

549. At that moment there was no foreseeing the abrogation of the commercial privileges of the East India Company; was there?—No; I imagine not.

550. Mr. Alderman *Wood.*] He said he was much disappointed in his finances?—Yes; from his voyages and from private affairs besides.

Thomas Penfold, called in; and Examined.

Thomas Penfold.

551. *Chairman.*] I BELIEVE you were chief officer with Captain Barrow, on his last voyage in the Waterloo?—No; in the George the Fourth.

552. In the course of the voyage, did you hear Captain Barrow express what were his future intentions?—Certainly; so much so that he would have gone again, I think, had the service remained as it was, had there been no alteration; I have very little doubt about it, and he has often said he should go. But I mean to say, it would depend on circumstances, like every other commander in the service.

553. By any other commander; do you mean in either service, or the peculiar service he was engaged in?—I know of no distinction between the service at all.

554. But are the Committee to understand that Captain Barrow has told you in express terms, that it was his intention to continue the maritime profession after the expiration of the voyage in which you sailed with him?—He has not told me in those express terms, but, in the course of conversation at table, he has said, "I must go to sea again; I have not made, so and so; I have not made a fortune; and therefore I must go again."

555. Are you aware that, by the regulations of the company, no commander was permitted to continue in the command of one of the company's own ships more than five voyages?—Certainly; that was the regulation.

556. What was the inference, then, that you drew from the expression of Captain Barrow's intention to pursue his profession, knowing that that was the regulation in the company's service?—What induced me to draw the inference was the subject of conversation, of his having made so little money, that he would have commanded a freight ship.

557. Mr. *Bagshaw.*] How many years have you been in the company's service?—Twenty-five; from 1810 to 1834. I was in the company's service from its commencement in 1816, and in the freight service before that. I entered the freight service the 4th May 1810.

Veneris, 28° die Aprilis, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Lord Granville Somerset.
Mr. Palmer.	Mr. Williams.
Mr. Praed.	Mr. Young.

MR. GEORGE FREDERICK YOUNG, IN THE CHAIR.

James Cosmo Melvill, Esq., again called in; and further Examined.

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558. *Chairman.*] HAVE you brought with you a copy of the correspondence on the case of Captain Mangles?—I have.

559. Will you have the goodness briefly to state to the Committee the substance of that correspondence?—In January 1835, Captain Mangles preferred his claim for compensation, and subscribed the declaration in the form prescribed by the plan of compensation. On the 5th of February 1835, the Court of Directors wrote to Captain Mangles, that, as previously to August 1833, he had entered into business as an agent in London, they did not consider him entitled to the compensation. On the 9th of February 1835, Captain Mangles submitted to the court various explanations for the purpose of showing that he was entitled to the compensation, notwithstanding his having acted as an agent. On the 20th of March 1835, the court resolved that Captain Mangles should be admitted to the annuity compensation, subject to the approbation of the Court of Commissioners for the Affairs of India. That opinion of the Court of Directors was submitted to the Board, in a letter from the Court of Directors dated 27th March 1835. And on the 30th of April 1835, the Board replied, that, as the Court of Directors had satisfied themselves of the truth of the declaration made by Captain Mangles, the Board was of opinion that the annuity compensation in the court's resolution might be granted to him.

560. Lord *Granville Somerset.*] Whose signature is there to that letter?—Mr. Vernon Smith's. It was just at the period of the change of the Board.

561. Mr. *Praed.*] But there was no decision from the Board of which Lord Ellenborough then was the president on the subject?—There was not.

562. *Chairman.*] That is a summary of the case?—That is the whole case.

563. You have stated, that the decision of the Board of Control is stated to be founded on the fact, that the Court of Directors had satisfied themselves of the truth of the declaration made by Captain Mangles?—Yes, it is.

564. Are you aware whether the Court of Directors have ever expressed an opinion as to their being satisfied of the truth of the declarations made by the petitioners, whose cases are now under consideration?—I believe they have.

565. Mr. *Bagshaw.*] Does not Captain Mangles belong to the freight service, and not to the company's own service?—To the freight service.

566. It is no uncommon thing, I believe, for gentlemen, who served as commanders in the company's freight service, either as commanders or officers, to become traders and residents in different places in England?—I believe not.

567. You have no doubt of that fact?—I have no doubt.

568. Mr. *Praed.*] In the course of the claims, and the answers to those claims, on the subject of compensation, do you recollect any other case of gentlemen, similarly circumstanced to Captain Mangles, objected to on the same ground?—No, I do not.

569. Then those cases cannot be so numerous, if Captain Mangles appeared to be the only one who at that period was in business when he left the freight service?—He is the only one who claimed compensation.

570. Mr.

570. Mr. *Bagshaw.*] But it might so happen that those gentlemen, placed in the situation you now describe, were officers in the company's service before the year 1828? You do know some who were in that situation?—I am aware of some.

571. Lord *Granville Somerset.*] How long had Captain Mangles been employed as an agent previous to the year 1833?—It is not distinctly stated; it must have been subsequent to July 1829; he came home then.

572. He was then commander of a freight ship?—Yes.

573. And how soon do you say he afterwards entered into this agency business?—I have no distinct information upon that point, further than what is contained in his own letter of explanation, which does not appear to give specifically the period when he commenced business as agent.

574. Had he ceased being agent when he applied for compensation?—I think not.

575. Has he ceased being agent up to the present period?—I am not aware.

576. You are not aware whether he has or not?—I am not aware whether he has or not.

577. Then are we to understand that no person actually engaged in business applied for compensation but Captain Mangles in the freight service?—I can only say, that that is the only case in which that objection was taken.

578. But I want to know whether any other person did apply for compensation who was engaged in business?—I have not the means of ascertaining that fact.

579. Was there any inquiry made of that fact in any other case?—I am not aware that there was.

580. How came Captain Mangles' application to be resisted in the first instance on that ground?—The notoriety of the fact that he was an agent.

581. Mr. *Praed.*] Are you aware of the case of any other agent; from your own knowledge are you aware of any other agent who applied for and received compensation without being objected to?—I am not.

582. Lord *Granville Somerset.*] But no inquiry was made in granting those compensations as to whether the parties were so engaged or not?—It was not. The declaration was, that he had not quitted the maritime service for the purpose of following any other pursuit.

583. Then what evidence did the Court of Directors act upon in withdrawing their first objection?—The explanation of Captain Mangles, contained in his letter of the 9th February 1835.

584. Then they did not have any other evidence than his own simple declaration that he would have returned to the service?—He accompanied his letter by certain certificates; one from Mr. Octavius Wigram.

585. Mr. *Bagshaw.*] State what Mr. Octavius Wigram is?—Mr. Octavius Wigram is a ship-owner.

586. Lord *Granville Somerset.*] What was the effect of that certificate?—That when he tendered the Marchioness of Ely, in October 1829, for an additional voyage in the company's service, it was with the view of promoting Captain Mangles' interest, and that he would have been happy to have appointed Captain Mangles to the command of her, had she been taken up. There was also a certificate, signed by Mr. Frederick Mangles, to the effect, that his brother, Captain Mangles, and himself, entered into business as East India agents more as an experiment than as a permanent measure; and that there was a clear understanding between them, that should Captain Mangles hereafter obtain the command of a ship in the service of the company, he Mr. Frederick Mangles was to carry on the business alone, as long as he was so employed.

587. Are there any other certificates?—Not any others.

588. Well, upon these certificates produced to the Court of Directors, they acquiesced in the propriety of giving this gentleman compensation?—They did.

589. But, to your knowledge, there had been no other case of an individual employed in another pursuit receiving compensation?—I know of none.

590. Mr. *Bagshaw.*] Then there was no application made of that character that was refused?—There has been no application for compensation refused upon that ground.

591. Lord *Granville Somerset.*] How many voyages did Captain Mangles command?—Three.

592. What is his age?—There is no statement of his age; he is a young man, but I am not acquainted with his age. He first entered the service in 1811.

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593. You do not know what his previous voyages were, do you; whether they were single or double ones?—No, I do not.

594. *Chairman.*] Have there not been several instances of commanders of the company's own ships, after the completion of their limited number of voyages, applying for and obtaining the situation of master-attendant in India?—There have been two instances, I think, in which they have applied, and one in which the situation was granted.

595. Can you inform the Committee about what is the emolument attached to the situation of master-attendant at Calcutta or Bombay?—At Calcutta, the situation of master-attendant, I think, is 2,500 *l.* a-year; at Bombay, the situation of master-attendant is filled by an officer of the Indian navy.

596. Do you consider the emolument receivable from that appointment greater or less than that which is supposed to be derived by the command of a ship either in the company's or the freight service?—I really have no means of estimating the profits of a voyage during the monopoly of the company.

597. Judging by the rule adopted in awarding compensation for voyages not performed?—That rule, as perhaps the Committee are aware, had reference to the supposed profits of a voyage under a system of open trade.

598. Mr. *Bagshaw.*] The compensation had reference to that data?—The compensation which was granted for the voyages which were unexpired.

599. *Chairman.*] In estimating the value of unperformed voyages in the company's own ships, and awarding a gross sum as compensation for the non-performance of those voyages, was any reference made to any claim that the parties might have to pension in addition?—In the first instance, the calculation of that compensation was made irrespective of any intention to grant pensions. As soon as the General Court had determined to grant the pensions generally, then the value of those pensions for the voyages remaining to be completed was deducted from the amount of compensation intended for the unperformed voyages.

600. But that was only a deduction equivalent to the amount that the party would receive in pension during the period which it was estimated would be occupied in the performance of those voyages; was it not so?—Clearly so; it was, that the officers to be compensated should not be paid twice over.

601. And therefore, it is your clear opinion that pension subsequent to the time that would have been occupied in the performance of those unperformed voyages was not taken into account in the estimation of the amount of compensation to be given?—Clearly; the effect of admitting these officers to the benefit of the general arrangement was, to add to the amount of compensation originally intended for them the annuity of 200 *l.* from the period when their voyages would have expired.

602. Will you have the goodness to refer to this letter of Mr. Praed's, addressed to the Court of Directors, of the 21st March 1835; does it not intimate the decision of the Board of Control upon three classes of claims which had been submitted to them?—It does.

603. That of maritime officers who had been promoted during their voyages, that of pensioners on the Poplar fund, and that of commanders of company's own ships, who had completed the limited number of voyages?—It does.

604. Does it express the opinion of the Board, that the first of those classes should be admitted to pension?—That the first should have compensation only for the rank which they held at the commencement of the voyage.

605. What does it state in reference to the two last classes to which I have referred?—That there has been no instance of any pensioner permanently admitted on the Poplar fund, and only one instance of an officer receiving temporary relief from it subsequently returning to the service; and therefore, that that class has not been injured by the cessation of the company's trade; and further, that there has not been one instance of a commander of the company's own service having completed his five voyages and resuming the active pursuit of the profession, and therefore that that class has not been injured by the cessation of the company's trading.

606. Have any of the individuals included in the second class, namely, the pensioners on the Poplar fund, been subsequently admitted to the pension, notwithstanding the presumption expressed in that letter of their not having received injury, because there had been few or no instances of their returning to the service?—There has been no instance of persons admitted permanently on the Poplar fund being granted compensation; but there have been instances of officers admitted temporarily upon the Poplar fund having received that compensation.

607. Can

607. Can you state the dates of any such admissions to compensation; the names of the parties, and the dates?—I have not the precise date of each admission. They were all subsequent to July 1835. The names I have.

608. Did the Board of Control sanction the admission of those parties to whom you refer for compensation?—They did, upon condition that each case should be made subject to the approbation of the Board.

609. But the Board of Control did sanction the admission of those parties to compensation who have received it?—They did.

610. Then does it not follow, that the Board of Control has abandoned the conclusion to which the letter of Mr. Praed points, that because there had been only one instance of an officer receiving temporary relief from the Poplar fund subsequently returning to the service, the Board was at a loss to consider on what ground that class of officers had been injured by the cessation of the company's trade?—The Board appeared to have been satisfied, by subsequent information, that that ground could not be maintained.

611. In reference to the petitioners on the Poplar fund?—Yes.

612. Mr. *Praed.*] Do I understand you to state, that subsequently, on the reconsideration by the Board, all officers on merely signing that declaration have been admitted to compensation, although they had been previously on the Poplar fund?—No.

613. But some such special cases as the Court of Directors thought proper to recommend to be admitted?—They have.

614. But only in such cases as the Court of Directors on examination recommended?—Under the following rule, adopted on the 1st July 1835: "Resolved, with respect to the claims for compensation of certain individuals employed in the company's maritime service within the period prescribed by the regulations, who, but for their having received relief from the Poplar fund, would have been awarded compensation, that it appearing such of the claimants as had been admitted permanent pensioners on the fund established their right to their pension by reason of permanent disqualification for further duty in the maritime service; this court are of opinion, that to admit the right of those persons to compensation would be at variance with the spirit of the seventh clause of the Act of the 3 & 4 Will. IV., since their prospects cannot have been affected by the cessation of the company's trade. That having investigated the claims of the second class of pensioners; namely, those who have been granted occasional relief in the expectation of their being able to resume their profession, the court are of opinion, under all the circumstances, that this class of persons should be considered entitled to compensation on giving proof, that, subsequently to receiving relief from the Poplar fund, they have been a voyage to India or China, or producing a certificate from the company's examining physician that their state of health will admit of their returning to their duty at sea, and subscribing to the printed form of declaration of an intention to follow their profession in the service, had the company traded in common with the public." This arrangement was approved by the Board of Control, upon condition that each case should be submitted for the decision of the Court of Directors, and their decision made subject to the approbation of the Board.

615. Lord *Granville Somerset.*] What is the date of that letter?—18th July 1835.

616. *Chairman.*] In communicating to the Board of Control the decision of the Court of Directors on these particular claims, were the grounds of the decision stated to the Board of Control, or was it the decision alone?—The resolution in the words which I have read was submitted to the approbation of the Board.

617. But in each particular case, after the Court of Directors had investigated it, was the evidence on which the Court of Directors decided to recommend the admission of the claimants submitted to the Board of Control, or simply the resolution of the Court of Directors referred to the Board for its sanction?—All the documents upon which the Court of Directors founded their resolution in each case were submitted to the Board.

618. Was it customary for the Directors, who investigated the proceedings of commanders after the termination of each voyage, to address them on their eligibility to a future command?—Yes, it was.

619. And was any entry made in the minutes upon that subject?—Yes.

620. Do you know the precise words of the entry in the minutes relative to the three petitioners whose cases are now under consideration?—I believe that in each of those cases the Court of Directors resolved that those officers would be consi-

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dered eligible for a future command if presented to one in the freighted service.

621. Mr. *Palmer.*] How many captains are there altogether who have performed their five voyages in command of the company's own ships since the regulations?—Seven.

622. How many of those have applied for further service under the company, under the presumption that they had not made a competency in those five voyages?—Two.

623. Of the seven?—No; one of the seven.

624. Has any other captain who has completed his stipulated number of voyages (not the five voyages in the company's service) applied for further employment?—Yes.

625. How many?—One.

626. What was his service altogether?—Eight voyages as a commander: five in the freighted service, and three in the company's own.

627. How many have not applied for service, and what are their ages?—Three: one 54 (now a Member of the House), and two others, 60 each.

628. Are you aware of the state of health of those whom you have just mentioned, who have not applied for further service?—No, I am not.

629. What are the ages of the three captains now applying for compensation?—Two 48, and the other 49.

630. *Chairman.*] Will you put in the correspondence to which you have referred in the course of your examination in the case of Captain Mangles?—I will.

[*The same was handed in. Vide* Appendix.]

631. Mr. *Praed.*] Refer to question 163, and look at the three or four following answers: they relate to the advantage the company's own ships are supposed to have over the freight service?—[*The witness did so.*]

632. Now turn to question 317: you will find in Mr. Marjoribanks' evidence he gives a totally different impression. He says he does not understand the answer you gave?—I entertain the same opinion. I then expressed that a command in the company's own service has been considered a greater object than the command of a freighted ship.

633. Without being perfectly aware of any arrangement made with any particular owner, are you able to say, from the degree of interest made for the one employ and the other, that one was a better employment than the other?—There was great competition for employment in the company's own ships on the part of commanders and officers who had been employed in the freighted service.

634. Was that competition subsequent or previous to the establishment of the regulations in 1815?—It was simultaneous with it.

635. Mr. *Palmer.*] Are you aware of the number of years it would take a person entering the company's own service to obtain a command; and the difference between that, and the time he might obtain a command in the common course of things in the freight service?—I am.

636. *Chairman.*] Are you personally acquainted with the extent to which the competition prevailed for appointments in the freight service?—I am not.

637. I think you stated, in your former examination, in reference to the service of Captain Birch, that his command of freight ships, after quitting the company's own service, occurred previous to the adoption of the regulations in 1815?—It did.

638. Are you aware what was the ship he last commanded; the freight ship?—I do not know the name of the ship.

639. When did his last voyage terminate?—It must have been about 1819, I think.

640. Mr. *Palmer.*] In the nomination to double voyages, are you aware whether captains of the company's own service obtained as many double voyages in proportion as the freight ships did?—My impression is that they did not.

641. Mr *Bagshaw.*] But the chief emolument of the commanders, both of the company's and the freighted service, consisted in their having double voyages, did it not?—I believe it did.

Captain Newall, again called in; and further Examined.

Captain *Newall.*

642. *Chairman.*] WE understand there is some point in your last evidence upon which you wish to give some explanation to the Committee?—The honourable member, Mr. Bagshaw, gave me a list of some ships, and he asked me if I might have

have commanded any of those ships, I said, "I might;" but I wish to give an explanation, how I might have commanded them. I have no doubt I might have commanded one of them if I had taken shares from the owner of one of those ships; but my object was not to command a free trader, it was to command a company's ship; for the company's ships had vast advantages over the free traders, and of course my object was to command a company's ship. Captain *Newall.* 28 April 1837.

643. Lord *Granville Somerset.*] Was that subsequent to the charter?—We always thought the company would continue to trade, and of course an employment in the companys' ships would be a greater advantage than in the free traders.

644. Mr. *Praed.*] You mean an advantage over the free traders?—Yes.

644*. Mr. *Bagshaw.*] Allow me to ask you one question consequent upon this: I believe it was generally considered the most advantageous command in the company's service when you could obtain double voyages?—Yes.

645. Then if you, by purchase or otherwise, had obtained one of those large ships that was formerly employed in the company's service, I ask you whether you could not have carried that ship just where you liked?—But we should not have the advantage that we had in the company's service. I understand the owners of free traders do not give such advantages as we had in the company's service. In the first place, in the company's service we had a large share of privilege tonnage we had all the advantage of the passengers; and another thing, the passengers always preferred going in the company's ships.

646. Mr. *Praed.*] When you speak of company's ships, you mean the freight service?—Yes, generally; all their ships I mean; and we had various other privileges in the company's service which they have not in the free traders; a great many privileges.

647. But these advantages you speak of were under the monopoly of the company; when the company had the exclusive trade to China?—Yes; but they might have continued, and we expected they would have continued, if the company had continued to trade.

648. Mr. *Bagshaw.*] But they might not, though?—That is impossible to say.

649. Did you make application, now, to the owners of any of the large ships for a command?—I did not.

650. Mr. *Palmer.*] After the company's service was over?—No, I did not.

651. You have not been to sea since?—I have been doing nothing since.

652. Mr. *Bagshaw.*] But you might have gone to sea in one of those ships; you had the power if you had the inclination?—I do not know that I had the power, because I understood it was a vast sacrifice of money, and that the speculation was very bad. That in the arrangement you enter into, you pay more for the shares of the ship than they are worth.

653. I ask you whether you recollect the sale of any of these ships having taken place since the company's monopoly has been broken up?—I cannot bring to my mind any since the company's trade was abolished; I have not been much amongst them.

654. You do not, then, recollect the very reduced rate at which these ships sold since the company's monopoly ceased?—I do not.

655. Have you not heard they have sold at very reduced prices?—Yes, I think I have heard that; but as I was not interested in the free trade, I have not been particular in my inquiries.

656. *Chairman.*] Is there anything else that you wish to explain?—You asked me a question the other day about Captain Manning; about the letter he wrote to me last year. I have a perfect recollection of his statement, that he was in such bad health when his five voyages were over that he could not go to sea, but that he applied for a master-attendant's berth; he could not get that, and it was his intention, if the company continued to trade, to have tendered a ship to the company and commanded it himself. That letter is now in the possession of Sir John Hobhouse.

Captain *Richard Glasspoole,* called in; and Examined.

657. *Chairman.*] I BELIEVE you commanded a ship in the company's employ?—Yes; the Buckinghamshire. Capt. *R. Glasspoole.*

658. When did you complete your last voyage?—In 1832.

659. Do you recollect the month?—It was about July or August 1832 that I finished with the ship.

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660. You were finally paid off by the company in July or August 1832?—Yes.

661. Have you made application to be admitted to pension under the regulations?—Yes.

662. Upon what grounds do you allege yourself to be entitled to pension?—I allege myself to be entitled to pension on the grounds of losing my future employment, having made but a very small property in the service, and having a large family, that I must have gone to sea again if an opportunity had offered to my advantage, certainly.

663. You allege, then, it was your intention to have gone to sea again if the company's trade had not been put an end to?—Yes; certainly.

664. Are you prepared to give to the Committee any proof, and what, of such having been your intention?—No further proof than conversations I had with my agent on the subject, that so soon as my affairs could be wound up, if I could have obtained a voyage, he would have got me a ship, but that I had better remain quiet in the country until an opportunity offered.

665. What did he mean by saying if you could obtain a voyage he would have got you a ship?—If I could have obtained a double voyage by any friends, that he would have looked out and got me a ship.

666. Lord *Granville Somerset.*] That is to say you wished him to look out for you?—Yes; for a ship.

667. *Chairman.*] Are the Committee to understand, that if your interest with the Court of Directors could have obtained you an engagement from the East India Company, that then he would have obtained a ship for you?—Yes.

668. Who was your agent?—Mr. Gledstanes.

669. Of what firm?—Of the firm of Gledstanes, Drysdale and Company.

670. Is he in attendance?—Yes.

671. Have you any other corroborative evidence to submit to the Committee?—I have no other corroborative evidence except Mr. Grout, a person whom I consulted a great deal on the subject of my investment in silk, which, unfortunately, I had in my last voyage, as to the disposal of it; and I told him, in consequence of this wind-up, that I should be obliged to go to sea again, having a very large family.

672. At what period did you make that communication to Mr. Grout?—It was soon after my coming home at that time; about May or June 1832, when I was up in town, as I frequently am, consulting him on the subject.

673. Mr. *Bagshaw.*] What time did you arrive from China?—I got into dock in March, I think, 1832.

674. And being aware that you had fulfilled your contract with the company, having been your five voyages, did you make instant application to your friends and connexions for the command of another ship?—No; I did not make instant application; I merely stated before, I had wound up my affairs, which wound up very badly, and that I should therefore be obliged to go again when I could find a ship to go in, if the service was continued, and it was not known then that it would not be continued. But in 1833, before my investment was sold, the service was discontinued, and no ships allowed to go.

675. What part of the country do you reside in?—In Norfolk.

676. On an estate of your own?—I have a house of my own and a little land; a small quantity.

677. How long have you had possession of it?—I rented it when I first commanded the Buckinghamshire.

678. Lord *G. Somerset.*] How long ago is that?—In 1815, I think, I resided on it, and, when it was sold I bought the house and a small portion of land round it, which I am now farming.

679. Mr. *Praed.*] Do you know when you made the purchase?—I think it was in 1833: the house was to be sold then, and, having always resided in it, I purchased it.

680. Mr. *Bagshaw.*] What is the extent of acres?—About seventy acres of land; sixty-eight, I think.

681. You purchased that in 1833?—In 1833.

682. Are you aware that a great number of the ships that were employed in the freighted service of the company have been employed since the company's China trade ceased as free traders?—Yes, I am.

683. Did you make application to the owners of those ships to get a command in the free trade?—No; I did not make application for a command in the free trade.

684. I believe

684. I believe it has been generally considered that a double voyage constituted the chief profit of a voyage to China?—It has been generally so considered. Unfortunately my two double voyages were very unprofitable ones; the worst I had.

685. They proved unprofitable to you?—Yes.

686. But the consideration of passengers weighs well in the scale, does it not, on double voyages?—It did not on my double voyages. I had only the troops and officers; I had scarcely any passengers.

687. Provided you had commanded one of those large ships in the free trade, you would have been out of the obligation of carrying troops, except you had been well paid for them?—Yes, I should.

688. But you did not make any application to the owners of those ships to get the command of one as a free trader, either by purchase or otherwise?—No; I did not.

689. Can you tell the Committee about what price some of those extensive ships have been sold at since the company's ceasing to trade?—I think about 11,000 *l.* or 12,000 *l.*

690. During the monopoly of the company, one-fourth of one of the ships would have sold for as much, I presume?—Yes; I should consider it would.

691. About that?—About that.

692. So that, in fact, since the company have ceased to trade, you could have purchased the entire of one of those large ships for what one-fourth would have cost you during the monopoly of the company?—Yes.

693. About that?—About that, I should think.

694. But you did not embrace the opportunity of purchasing one of those ships?—No; I considered the risk too great.

695. Though you would have been anxious to have had a command if the company had continued to trade in competition with the free traders?—I should, certainly.

696. Lord *G. Somerset.*] You state that you could have purchased one of these ships for about the same sum that heretofore you might have bought one-fourth of the ship for?—Yes; about 12,000 *l.*

697. That means the actual value of the ship; does it not?—The actual value of the hull of the ship.

698. What increase was there in the real expense of the voyage, independent of the price of the ship formerly, to what there is now?—I should think the expense of outfit of one of the large ships would have been between 3,000 *l.* and 4,000 *l.*

699. Would that outfit be much less or much greater now than formerly?—I speak of the present time, that it would be 3,000 *l.* or 4,000 *l.* at the present time.

700. Would the expense of the outfit now be the same as formerly?—Less.

701. Less now than formerly?—Yes.

702. In what proportion?—In the proportion I should think of one-third.

703. Well then, with regard to the other expense of the voyage, what difference would there be between now and what it was formerly?—Provision and stores are somewhat cheaper, but I cannot say, in the latter years that I went to sea, that they were considerably reduced.

704. Would there have been practically much difference in the expense between now and formerly, supposing the price of provision to have been about the same?—I am not able to say; I should think there ought to have been a difference of one-third.

705. Throughout?—Throughout, I should think.

706. Well now, then, who would that difference fall upon, the proprietor or the captain of the ship?—Generally the owner has the benefit of that; the captain only has a very small proportion; the different owners have the money in their hands; they get the discounts, and it is a benefit to them.

707. But what I want to know is, whether or no you conceive you would make as much money now by going to sea in this much cheaper ship as you would have done by going to sea when the ship was so much dearer?—Certainly not, in a company's freight ship; because we had privileges that we do not possess now.

708. And you would rather have given a sum of money for a proportion of a company's own ship than you would give the same sum for the whole possession of a ship under the present circumstances?—Decidedly, for a ship that was taken up in the company's service.

709. Will you state to the Committee why, if you were anxious to get the command of one of the company's freight ships previous to the modification of the charter, you have, since that period, taken no pains to get the command of any of

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the free trading ships?—I have been afraid to embark in that. I have but a small property, and I do not like to embark that property; there have been so many failures; friends of mine have lost a great deal of money by embarking in them; they have been obliged to pay large sums.

710. Then the Committee are to understand, you consider the risk so great now that you do not like to venture upon incurring it?—Yes.

711. But that you would not have considered the risk so great heretofore?—I should have considered I had better security for any money I might have advanced in a ship under the company's regulations than I have now.

712. And might you not have expected to derive a handsome profit from a voyage, without risking so large a capital as you are obliged to risk now?—Certainly; I would not have risked so large a capital. And very often, if you had a friend an owner, you could get a ship on very easy terms.

713. *Chairman.*] Do you know for what amount the East India Company sold the Buckinghamshire, your late ship?—I think 12,000 *l.* and some odd; near 13,000 *l.*

714. Are the Committee to understand it is your opinion, that, without any engagement for the performance of voyages, the Buckinghamshire would have sold for 48,000 *l.* previous to the expiration of the company's charter, without an engagement from the company for employment?—It is a question whether it would, without an engagement from the company; that might make a difference; she was a very valuable ship.

715. But I ask you the simple question, whether, without an engagement from the company, it is your opinion that the Buckinghamshire would have sold, previous to the expiration of the company's charter, for four times as much as it did sell for subsequently?—Not without the prospect of an engagement, certainly.

716. Are you at all aware of what are the emoluments of commanders of ships in the free trade, viewed as commanders alone, without reference to their being owners of the ships?—Many of them are merely sailing for so much per month.

717. What is the usual rate of pay per month in the free trade?—I am not aware what it is; I believe it varies from 10 *l.* to 25 *l.* a month.

718. You cannot give the Committee any information as to the average emoluments received by commanders of ships in the free trade service?—I cannot.

719. Mr. *Bagshaw.*] State, if you can, the number of commanders or officers that have been in the company's service now engaged as commanders of free traders?—I know several officers but not captains; there is Captain Nairn and Captain Hine.

720. *Chairman.*] Did not Captain Nairn and Captain Hine both command ships belonging to themselves, and embark their own property in those ships?—I believe so.

721. Mr. *Bagshaw.*] But I think I understood you to say you had made no application for the command, or for the purchase of any of the company's ships that ceased to be employed by the company?—None of the ships at that time.

722. *Chairman.*] Was that because you did not think it worth your while to accept a command in a free-trade ship without the embarkation of capital?—Without the embarkation of capital; and I considered the risk too great as so many had lost money by it.

723. Was it because you did not think it worth your while to take the command of a ship in the free trade simply as commander for the emoluments you would receive for sailing in the ship?—Certainly.

724. Mr. *Praed.*] You made a statement which I want you to explain; you said your agent told you, if your interest could obtain you an engagement from the company, he would get you a ship; did not you say so?—Yes.

725. Was it not the fact that, if an owner presented a captain, he was in no case refused by the company?—He was never refused unless there was something against his character.

726. What did you mean by saying, if your interest could obtain you an engagement from the company, your agent would get you a ship?—Sometimes, if you had a friend in the court, you could get a double voyage; you could always get a direct voyage, but sometimes they are not worth having; it depends on whether you have interest to get what is considered to be the prospect of a good voyage.

727. If you had the interest to get the ship chartered, is that what you mean?—If I had the interest to get a double voyage, my agent would have found me a ship.

728. Mr. *Bagshaw.*] But a direct voyage was not worth having, I think you said?

said?—Sometimes not; it depends very much on circumstances. A direct voyage sometimes was better than a double voyage. It is quite a matter of chance. Capt. *R. Glasspoole.* 28 April 1837.

729. Mr. *Palmer.*] Those directions were given to your agent soon after your return, were they?—Soon after.

John Hampden Gledstanes, called in; and Examined.

730. *Chairman.*] I BELIEVE you acted as agent for Captain Glasspoole?—Yes, I did. Mr. *J. H. Gledstanes.*

731. Are you aware of its having been the intention of Captain Glasspoole, previous to the termination of the company's right of trading, to have continued the pursuit of his profession, after the expiration of his five voyages in the Buckinghamshire?—I do not know anything positive as to the fact; Captain Glasspoole was always a very prudent cautious man; and I recollect, that after he came home he said, that his circumstances were so moderate, that he must get a ship or do something. His purser wanted him to enter into some business on shore; and he came and consulted me, and I advised him to go down into the country till his affairs were wound up, and that I had not the least doubt I could get him the command of a ship. That passed in the summer of 1832, and his affairs were not wound up, I think, till 1835; the sale of the last of his goods was in 1834 and 1835.

732. Lord *G. Somerset.*] This conversation was at a period anterior to the alteration of the East India Company's charter, of course?—It was some time in the year 1832. It was after his return from that voyage, I know.

733. *Chairman.*] In what description of employ did you calculate upon being able to obtain a command for Captain Glasspoole?—At that time it was the company's; it was one of the company's freight ships of course.

734. Then Captain Glasspoole did retire into the country under the expectation that his interest, as far as obtaining a future command was concerned, would be left in your hands?—Certainly.

735. And the Committee are to understand that it was your decided impression that he did intend to continue the pursuit of his profession?—I do not know that I can say he positively would have gone to sea; but my impression was, that if he did anything at all he would go to sea, and he would prefer doing it in a freight ship.

736. Mr. *Bagshaw.*] What part of the year of 1832 was this?—About the middle of the year, I suppose, or rather early in the year; I cannot positively recollect now at this time; it was after he returned from his voyage.

737. There was some doubt at that period, I believe, as to how Captain Glasspoole's investment would turn out?—If I recollect right—it is so long ago that I can hardly recollect—but I think things were very bad; not so bad as they are now, but they were very bad; silk, I believe, was particularly bad, in which he had embarked a great part of his investment.

738. But still in 1833 he states he bought an estate down in Norfolk?—A small property, a very small property; a house and, I think, 120 acres of land: no, 78 acres, I think.

739. Captain Glasspoole has stated to this Committee, that when he left London for the country you had been good enough to say to him, that if he could make interest for a good voyage you would find a ship for him?—That is very nearly what I said. I said I could get him a ship, but as to a voyage, that has nothing to do with it; all I said was, I could get him a command at any time.

740. Mr. *Praed.*] Well, did you in consequence of this conversation, take any steps for the purpose of obtaining Captain Glasspoole a command?—No, I did not.

741. Shortly after, not very long after the discussion began respecting the alteration of the East India Company's charter?—Yes.

742. Had you any correspondence with Captain Glasspoole, at that time, by letter?—No; I have no recollection that I had.

743. You state, he left his prospects in your hands as to obtaining him a command?—Yes; his property was not realized at that time.

744. But, nevertheless, it occurred to you, I suppose, that the alteration in the state of the East India Company might materially affect Captain Glasspoole's inclination to obtain a command?—The fact is, I cannot recollect what occurred to me. If he had wanted a command, and if the company's service had continued, I have no doubt I could have got him a command, and I have no doubt he would have gone again. I knew him from a young man, and was the cause of his getting into the service; and knowing he was a man of moderate circumstances, with an increasing

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family, I have no doubt he would have gone again; and the fact is, I would have done every thing in my power to persuade him, if he had been unwilling to go; if he had only a crust of bread, I would have persuaded him to go, because a man ought to do something for his family.

745. You state, in 1832 he placed the prospect of his future employment in your hands?—No; he merely said, when he had had time to look about him, that, if I could get him a command, he would go.

746. You received no instructions from him?—No.

747. And you made no application?—No.

748. And subsequently, when the monopoly of the East India Company ceased, you had no communication with him upon the subject?—No.

749. *Chairman.*] You were a managing owner in the Company's freighted service?—Yes.

750. And you, therefore, might have had an opportunity of giving him a command yourself, if the freighted service had continued?—Yes; or of procuring him one.

751. Lord *Granville Somerset.*] State what ships you were managing owner of?—I had at that time the Castle Huntly; and the Kelly Castle I had the appointment of the command of; those were two large ships.

752. *Chairman.*] From your experience as a general shipowner, perhaps you can inform the Committee what may be considered as being the average emolument of the commander of a large ship in the free trade?—Do you mean in the chartered service?

753. In the free trade, without any reference to any mercantile speculations, or to the return upon the investment of capital, as owner of a ship, merely as commander?—I think it is not more, to take the outside, than 20 *l.* a month, not being an owner of the ship; not having a share in the ship.

754. If capital is embarked in a ship, the return upon that should, of course, be calculated upon a different footing from that which is the remuneration received for personal exertion?—Exactly so, and that may be profit or loss; it generally has been loss; there are very few who have done much good in the free trade.

755. Therefore, you are not surprised that a gentleman who had commanded a ship in the company's service, when the emoluments as commander were considerable, should not think it worth his while to take the command of a ship in the free trade, if he were unwilling to embark his capital in trade?—Certainly; I think it would require very great caution before he entered into such a speculation.

756. Mr. *Bagshaw.*] I think a good deal of the commanders of the company's ships, the profits of their voyages, arose from their trading; did it not?—Principally with many, like such men as Captain Glasspoole and Captain Barrow; I do not know Captain Barrow personally, but I have heard he is a very cautious man. The greatest profit arose from what is called the tonnage, for many of those men sold their tonnage for forty, fifty, and sixty pounds for the tea tonnage, which amounts to 2,500 *l.* or 3,000 *l.*

757. But, unfortunately, for Captain Glasspoole, it appears he did not adhere to that on his last voyage, because by your showing he had a large quantity of silk?—He had some silk, I did not say a large quantity.

758. But enough silk to turn the tables against him according to his showing, at all events?—I do not know how that was, but I have copies of the accounts.

759. *Chairman.*] Were not the emoluments derived by commanders of ships in the company's employ considerable, from the conveyance of passengers?—Certainly.

760. And were those emoluments exclusively their own property?—Quite so, with the exception of an allowance of 9 *l.* a-head to the company for the use of the ship's provisions. There was what is called the charterparty allowance, 12 *l.* in war time, and 9 *l.* in peace time.

761. Is it the practice of owners of ships in the free trade to permit their captains to retain to themselves the emoluments that are derived from the conveyance of passengers?—Certainly not.

762. Mr. *Bagshaw.*] Only part?—Some none at all; some who have a share, a small portion; and in some of the ships (Mr. Wigram's and Mr. Green's ships), they have not a farthing, and they are very large owners now.

763. No emolument from the passengers?—No; they get a per centage, 2½ per cent. on the cargo, and on all the earnings of the ship, if they are part-owners.

764. Lord *Granville Somerset.*] But as captains they have nothing?—No.

Captain

Captain *Barrow*, again called in; and Examined.

Captain *Barrow*.

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765. Mr. *Bagshaw.*] I ONLY wanted to ask you, Captain Barrow, since the company's monopoly has been abolished, whether you have made any application to the owners of any of the large ships formerly employed in the company's service for the command of them?—Of a free trader? No, I have not.

766. Or to purchase them?—No; I could not afford to do anything of the sort. I considered the risk too great.

767. Lord *Granville Somerset.*] It is not worth your while to run the risk of going into the trade with India now?—Not at all.

768. The advantages are so exceedingly different, and the risks so much greater now than what they were before the alteration of the charter, that what would have been very desirous before would not be at all desirable now?—No.

769. You would rather give up any chance of success than run the risk of losing your money in those speculations?—It is ruinous. I know many persons who have lost money.

770. You do know many persons who have ventured, and who have lost money?—Yes.

771. Mr. *Bagshaw.*] But generally, by their own inattention; has it not been from buying silk at too high a price?—When a man goes to China he must either buy something or not.

772. Unless he can trade some how or other, it is no use his going there?—No.

773. All your emolument was derived in fact from your trade?—Oh yes! from our trade.

Martis, 2° die Maii, 1837.

MEMBERS PRESENT.

Captain Alsager.	Lord Granville Somerset.
Mr. Bagshaw.	Mr. Williams.
Mr. Hastie.	Mr. Young.
Mr. Palmer.	

MR. GEORGE FREDERICK YOUNG, IN THE CHAIR.

Captain *Charles Otway Mayne*, called in; and Examined.

Captain *Chas. Otway Mayne*.

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774. Mr. *Bagshaw.*] YOU formerly commanded the Atlas East India ship?—I did.

775. She was employed in the freighted service of the East India Company?—Yes.

776. Were you in command of her in the years 1815 and 1816?—Yes, I must have been.

777. Did you make, at that period, application to the East India Company to be appointed commander of one of their own ships?—I will not exactly say as to the date; but I certainly made several applications to them, to be allowed to return to their own service again, in which service I had served so long.

778. Before you commanded a ship in the freighted service, you had been employed as an officer in the company's own service?—I had, to the best of my recollection, about 13 years.

779. You were then anxious, when they increased their mercantile navy, to obtain the command of one of their own ships?—Of course I was, as other officers did.

780. You would prefer the company's own service to the command of a ship in the freighted service, and you said that was your reason?—It was more advantageous to any officer in the service to get one of the company's ships, than to be obliged to take a large share in a freighted ship, with his friends.

781. Was there any reason assigned, that they did not appoint you to one of their own ships?—I never recollect any official reason being assigned for it; but I wrote them several times, applying to them; and I forget whether or not I received answers back at all. I think I once applied to Mr. Patteson, a director, who said he would go into the committee and mention it; and he returned, telling me he was quite surprised at the sensation made in the committee at my

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applying to go into the service again; and there it ended. I made no further application on that occasion.

782. Captain *Alsager.*] I think you were required to give up the command of the Atlas previous to the company entertaining your claim?—No; I never was required to do so.

783. You declined doing it?—I never was asked to do so, and therefore I could not decline it. I was always surprised that they would not have me back again, inasmuch as the original preliminaries, and resolutions, and regulations for that service; the first runs thus, if I may be allowed to read it to the Committee.

784. Lord *Granville Somerset.*] What is the date of that?—There is no actual date to it; it must have been somewhere about August 1816.

785. Then will you read that?—"With respect to the officers now acting in the company's service, who are now in the company's own shipping service, whether actually employed or not, having come to that service with an expectation of rising in it, have a claim, so far as they may be qualified, to rise, under proper regulations." What I meant to say was, that under that clause I was always surprised that my services were passed over.

786. Mr. *Bagshaw.*] I am requested to ask you whether you can inform the Committee how the appointments took place in 1815 and 1816; in whose patronage they rested?—A certain portion of them, that is, the captain and sworn officers, were appointed by the select committee of correspondence, and the junior officers principally, I understood, by patronage; the patronage lay with the directors afterwards.

787. I believe at the time you made the application to be appointed to the company's own service, you were in command of the Atlas, and had had a double voyage before in her?—I was; and I never understood there was any other reason than my being well provided for; it was the only reason I could suggest.

788. In the printed regulation of the Court of Directors of the 18th March 1818, for governing the company's own service, does not No. 29 run as follows: "That any officer, who shall be promoted in the company's own service to the command of one of their own ships, be not allowed to continue a commander in that service more than five voyages?"—Yes.

789. Now, double voyages were considered the most eligible for the commanders of the company's ships?—They were.

790. Both in the freighted and in their own service?—Yes.

791. How did a double voyage constitute an extra profit?—It was in consequence of the trade to China being exclusively in the hands of the company, that they had an advantage in trading between India and China, and they had privileges granted to them by the company over other voyages.

792. Did the passengers form a consideration?—Outward bound they sometimes did.

793. Captain *Alsager.*] There was nothing at that period to prevent a free-trader going from India to China, if she could get a freight?—There was not.

794. Mr. *Bagshaw.*] Then a great deal of the profits of a commander, both of the freighted service and the company's own service, depended upon the profits of their trade?—No doubt of it.

795. But provided a commander or an officer of the company's own or the freighted service did not trade at all, would not their China privilege to them be a very handsome amount for each voyage?—Formerly it was; I think latterly the privilege on that account has decreased in value; that is, the value of tonnage allowed to them has decreased.

796. Then, in fact, trade was the principal profit upon a voyage?—It always was to me.

797. And whether a person made money or not depended upon the fortune that attended his trade?—I should say it did, as far as my experience went.

798. Since the monopoly of the company has ceased, I believe a great number of ships have been employed in the China trade?—I understand so.

799. I believe your own brother-in-law, Captain Taylor, has commanded one, the Windsor?—He did.

800. Then he, of course, commanding his own ship, had the full benefit of a double voyage as well as the trade?—He had, in accordance with the present system; but I do not reckon that an equal advantage to what it was formerly.

801. Can you tell the Committee what the Windsor cost, what he purchased her at?—He gave something short of 7,000 *l.* for her.

802. What

802. What was her tonnage?—She registered nearly 1,400 tons.

803. Can you tell the Committee what would have been the value of that ship when she was in the company's service, had a sale taken place during that period?—That must depend, in some measure, upon how many voyages she had to make.

804. Will you be so good as to tell the Committee what would be her average value under such circumstances?—It is a difficult thing to get at towards the latter end of a voyage, because it must depend so much on the state the ship is in, whether she is sound or not.

805. If the company's exclusive privileges had continued, and she had been eligible under such circumstances to be re-chartered, what then do you suppose would have been her value?—It must depend very much upon the freight at that time, for they varied very much occasionally under such circumstances.

806. Then, provided she had been chartered by the company at the lowest rate of any of their ships, what then would she have been worth?—It is a difficult question to answer.

807. Will you tell the Committee what she cost building?—She must have cost building to sea, I think, well towards 80,000 *l.*; from 76,000 *l.* to 80,000 *l.* originally. I speak now, of course, without any certainty on the occasion.

808. With a ship of that size at 7,000 *l.*, with the advantages of going when and where you liked, do not you think that the advantage of a free trade under such circumstances would be equal, in point of emolument, to a commander of a ship employed by the East India Company in the China trade, provided that China trade had been carried on by that company only in competition with the free trade?—No; I do not think it would.

809. Do you still hold to that opinion, knowing what has taken place in the China trade since the period of the company's loss of their monopoly?—I have seen no good reason for altering my opinion; I think the Court of Proprietors have had the luckiest escape that can be.

810. You think the Court of Proprietors have had the luckiest escape that can be from the China trade?—Yes; not being carried on in competition with the company. That is merely my individual opinion.

811. It would seem then, from the answer you have given to the last question, that the China trade to the East India Company would have been a losing one?—I have little doubt but it would, in my judgment.

812. Then I understand you to say, that provided the company had continued their China trade, that one of the commanders in the freighted service, seeing that he has to purchase the command or to take large shares at high prices, would have been more advantageous to him than the command of a ship as part-owner was, that the cost was so very much diminished; what is your opinion as to that?—My opinion is, that in his loss as a commander in their service he would be considerably damnified from the whole profession having been changed to what you please to term now the free trade from the company's service; it was the profession that had been taken away from them that is lost to a commander in such a case, and he will be considerably damnified thereby, I think.

813. Mr. *Williams.*] Has the state of the service ever applied to that question; that is, has the company competed with the free trade, since the free trade was opened with China?—They gave up all trade.

814. The profit of the China trade, I suppose, arose from the circumstance of the company having a monopoly in that trade?—I always understood it to be so.

815. And since the trade has been thrown open, the profits of the China trade have very much diminished, have they not?—I have heard there have been no profits of late; indeed I think it is a losing trade altogether.

816. Were the profits of a voyage between China and India more than the profits of a voyage from England to China direct?—I have always found it so.

817. *Chairman.*] Were the trading privileges of the commander equal in the company's own and freighted ships?—I do not immediately call it to mind. I recollect some difference being made, but I do not recollect what, it is such a long time past.

818. You have stated that your application for the appointment to a command of one of the company's own ships, was unsuccessful for reasons with which you are unacquainted?—Yes.

819. At the time that application was made, was not the Atlas appointed to a voyage?—She was.

 820. A double

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820. A double voyage?—A double voyage.

821. Could that have been abandoned, the appointment being made, without a considerable sacrifice of interest of the owners of the Atlas?—The standing regulations of the company must have been altered to have done so; the company had the power of doing it, I imagine.

822. But if the alteration had, in point of fact, taken place, would it not have produced a considerable loss to the owners of the ship?—The ship being once stationed, could not have been altered again.

823. Would the ship have still gone that double voyage?—Yes, I imagine so.

824. Captain *Alsager.*] But a double voyage was advantageous to the owner, then?—Yes.

825. *Chairman.*] You have stated that the cost of the Windsor, when purchased, to Captain Taylor, was 7,000 *l.* or 8,000 *l.*; what was the amount of the outfit upon the Windsor, in addition to the first cost, before she went from Gravesend?—She went to sea almost immediately, but I should think she cost 13,500 *l.* to sea.

826. Then the capital invested was 13,000 *l.* or 14,000 *l.*, not 7,000 *l.* or 8,000 *l.*?—Not 7,000 *l.* or 8,000 *l.*

827. Are you aware of the original cost to sea of all the latter ships built for the company's freighted service?—I have no data to go from; I can speak from the best of my knowledge on the subject; of late I have understood they cost from 40,000 *l.* to 42,000 *l.*, 43,000 *l.* or 44,000 *l.*

828. The Atlas was built in war-time, I think?—She was.

829. Lord *Granville Somerset.*] What year?—It must have been 1812; I think somewhere thereabouts.

830. *Chairman.*] And the cost you stated of 40,000 *l.* or 42,000 *l.* has reference to a period of peace?—Yes, to some of the last ships that were built in the service.

831. How many voyages had the Windsor gone when you purchased her for 7,000 *l.* or 8,000 *l.*?—She had made seven.

832. What was the usual number of voyages to which the large ships in the company's service were restricted?—Formerly they were restricted to six, but when they got on the doubling system, they found it necessary to make three more; nine.

833. If then, a new ship could be built for 40,000 *l.*, do you think 14,000 *l.* to be a very low amount for a ship that had completed seven-ninths of her voyages?—To all appearance it was cheap; but I am justified in saying that it would not have borne us out, inasmuch as the small freights they are now getting in China would scarcely have paid her expenses.

834. The Windsor was lost, I believe?—She was; but had she gone on to China the small freight they are now receiving (5 *l.* a ton) would scarcely have given (provided she met with no accident) interest of money.

835. But if she had continued running for a succession of voyages, must it not have been at the expense of a very considerable annual outlay?—I think with great care, according to the present system, he need not, unless he met with an accident, to have lost much money by his ship.

836. Were you ever offered the command of the Thomas Grenville in the company's service?—No, never; I applied for it.

837. Mr. *Palmer.*] Did not the commander's profit between India and China arise from the company permitting him to occupy a large portion of the tonnage of the ship at a very small charge of freight?—At no charge of freight. That the company latterly wishing, I believe, in the first instance to oblige their commanders, purchased cotton, not only for themselves, but for those commanders, and allowed them the offer of taking it at the price it cost; if they refused to take it, they filled the tonnage up that was allowed for this cotton, (two-fifths of the ship,) and took it away from them, which they did from me on my last voyage, because I would not give a ruinous price for the cotton.

838. My question was this; did not the commander's profit between India and China arise from the company permitting him to occupy a large portion of the tonnage of the ship at a very small charge of freight, and very much below the rate of freight which he must have paid if he had shipped the same tonnage in a free trader?—It did, when they allowed them to occupy the same.

839. You say when they did allow them to occupy; did they not allow them in all cases to occupy one-third, supposing they did not take the company's cotton as the

the privilege of the commander?—The commander's privilege was always allowed free of freight.

840. But did they not allow one-third or two-fifths of the tonnage of the ship to the commanding officers; if they failed to take it, the company shipped cotton in it themselves; but did they not still allow two-fifths of the tonnage of the ship to the commanders and officers of the ship?—Provided they did not refuse to take the company's cotton. The company for some years past got upon the system of purchasing cotton for their commanders ready for them to take with them, which they offered to the commanders at the price it cost them. The last voyage that I made, the price it cost then was so exorbitant that I declined taking it, and they then put the cotton on board, taking the tonnage away from me.

841. To the whole amount?—To the whole amount of the two-fifths: but the original privilege of the captain and officers was never interfered with; that was freight free.

842. Lord *Granville Somerset.*] What was that original privilege?—I am not prepared to give the exact quantity of tonnage; but I think the commander had between 70 and 80 tons; and there might have been about 120 divided between the captain and officers, which was considered their private trade; and they were allowed to make what use of it they pleased the whole voyage through.

843. Mr. *Palmer.*] You are aware, I suppose, that the ships carried a great deal more than their registered tonnage?—I am, some of them; not all.

844. Did the company put any more on their own account, under the circumstances that you allude to of your refusing to take the cotton, than the chartered tonnage of the ship, on their own account?—I do not think the cantlage was included.

845. Did they not leave you the opportunity of occupying a much larger quantity of tonnage in the ship than the mere privilege you had as commander?—I think, including the cantlage, to the best of my recollection, they put more than their chartered tonnage in the ship; but there was still a space left, which the commanders generally occupied in their cabins and other places.

846. Did they not leave you an opportunity of occupying a larger quantity of tonnage, after they had done that, than your own privilege?—It was used without being considered the privilege of the company.

847. The question is, whether you had that tonnage, whether you had the opportunity of occupying the remainder of the space, you and your officers together, and whether that was not a considerable quantity of tonnage?—I can only say again, there was a certain portion, after the captain put goods in; this, according to the ship's capacity, will be sometimes more or less.

848. Did you not derive considerable advantage as commander of the company's freighted ship, beyond that which you would have derived from shipping cotton or any other goods you would have had in a free trader from India to China?—I think the commanders generally did.

849. Mr. *Bagshaw.*] Would it not depend on the price of cotton, the market at Bengal, whether you would have any advantage or not?—It would depend on the price of things, of course.

850. Mr. *Williams.*] But there was a great demand in China for the article of cotton at all times, I suppose?—Not at all times; there was sometimes a loss upon it.

851. Of course the demand was comparative; but still there was a demand, and nobody could supply that demand excepting the company's ships from India?—Yes; all the private ships had the power of taking cotton across. The company purchased cotton, and competed with other merchants.

852. Mr. *Palmer.*] Were there not advantages likewise obtained by freight taken in, or purchases of goods made in the intermediate ports between India and China, frequently, if not always?—We were limited by the company to the depth of water; that was one thing; and we were limited by the company as to the things we took on board.

853. Mr. *Bagshaw.*] You would not take opium, for instance?—We were not allowed to take opium.

854. Captain *Alsager.*] After the year 1813, when the trade in tea to India was thrown open, are you aware of any privilege attached to the regular ships, except bringing home tea, over a free trader?—To the best of my recollection, some alteration took place after that in the free trade system, in allowing the ships to go to India; when it was opened in 1813, I think only tea ships were allowed to proceed on; I may be wrong in that; there may have been other alterations.

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855. Had not the free trader an advantage over the company's ships, by being unrestricted in the time they remained in one port?—I should think it was an occasional advantage.

856. Lord *Granville Somerset.*] You have performed seven voyages altogether?—I have performed 16.

857. Seven as commander?—Seven as commander.

858. What is the date of your last voyage?—One thousand eight hundred and twenty-four I think I came home in; and when I retired I asked permission of the company to consider me as not having given up my profession; and I have the answer from them here, which, as far as I can understand it, admits that I have not done so.

859. *Chairman.*] Will you read such portion of that answer as seems to warrant the inference you draw?—"And that, by your permission, I may not be considered as having relinquished your service altogether, should circumstances at any future period oblige me to resume it."

860. Mr. *Bagshaw.*] What is the date of that?—November 1824.

861. Lord *Granville Somerset.*] What was the answer to that?—The first part of the letter alludes to an informality in my going; "and I have further to acquaint you, that your future eligibility for the command of a ship in the company's service (of course that meant in the freighted service) will be subject to the result of investigation, by the committee of private trade, into your conduct during the late voyage of the Atlas." I may further say, that that was a customary ordeal that every commander went through before he was allowed to proceed on another voyage.

862. Mr. *Hastie.*] Before they were whitewashed?—Before they were whitewashed.

863. Lord *Granville Somerset.*] Then you have not been afloat since the year 1824?—I have not since the year 1824.

864. Have you ever made any application since that period for employment?—I signed, with others, the petition for compensation for the loss of my profession; I made several applications, and laid my individual case before the Court of Directors, and I received from them the same answer that was generally received by all of them.

865. What was that answer?—"Sir, with reference to your letter of the 3d instant (that is December 1834), soliciting compensation as having belonged to the maritime service of the company, I am commanded to acquaint you, that as your case does not come within the regulations lately established for the grant of such compensation, the court are under the necessity of declining to comply with your request." I then wrote to them again, stating my services in the company's service, and one thing or another; and the reply was, "I am commanded by the company to express their regret that your case does not come within the regulations established."

866. Mr. *Palmer.*] What was the nature of your application?—For compensation, in consequence of having left my profession and having served them 13 years in their own service; when all other officers but myself were amply remunerated I was left alone, and even in whatever I lost by shipwreck they never made that good to me in the way they did to others who were shipwrecked, which was made good by the patronage they received from the Court of Directors, from which I was excluded.

867. Lord *Granville Somerset.*] Will you state to the Committee what you consider the superior advantage to a captain in the company's own service to the captain in the freighted service?—The captain and officers of their own ships get their appointment free from all expense. In the freighted service, they were obliged by their friends or through themselves to take a certain number of sixteenths, for which they sometimes paid, I believe, very largely.

868. That is to say, it required a large capital in the one, and not a capital in the other?—No.

869. Then in the case of the freighted ships turning out a successful adventure, the captain got a larger remuneration than the captain of the own ship, did he not?—I can only answer as far as regards my own; but by some misfortune or another my ship cost me, first and last, in taking sixteenths, considerably more than 20,000 *l.*

870. But do you mean by that 20,000 *l.* you were out of pocket on the balance, or that it was 20,000 *l.* that you were to lay out, and from that 20,000 *l.* to be deducted any profits you made?—I mean that I was out of pocket to that extent.

871. On

871. On the balance?—Yes.

872. Was that universally the case?—Not to so great an extent, I imagine.

873. You were rather unlucky?—I was, as far as regarded my connexion with the Atlas.

874. She was an unfortunate ship altogether?—I cannot say that she was an unfortunate ship altogether.

875. I mean the speculations in her were unfortunate?—I should tell you, perhaps, we paid the shipwright first and last for repairing her (she was always sadly in want of repair) 40,000 *l.*

876. Are we to understand that the usual custom was for the captains in any ships to have shares in the property of the ship, or shares only in a particular voyage?—To have shares in the ship altogether, according to the ship's register.

877. But what I want to know is, whether they were part owners of the ship generally, or only part owners of that particular adventure in the voyage she was about to make?—As regards the ship, I do not think they could be part owners, without being on the register; they would not have a lien on the ship without.

878. But what I want to ascertain is, whether or no, generally speaking, the captains in the freight service were part owners of the ship itself, or whether they only purchased or took sixteenths, with regard to the expense and general cost of that particular voyage?—Generally, with the ship altogether, I imagine.

879. From the time of her building to the time of her going out of the service?—From the time of their joining the ship, it might have been after the third voyage. If you want to command a ship, you and your friends must take a certain number of shares; it might happen just after building her, or after her third or fourth voyage.

880. Now, I will take for instance the Windsor; in the season of 1826 she was commanded by Captain Proctor, and the season of 1828 she was commanded by Captain Haviside; were both those gentlemen part owners of the ship during the whole period?—I do not apprehend it was necessary they should be; either they or their friends were supposed to take it.

881. But do you mean to state, that from the very commencement of the Windsor's career, provided she belonged to the same parties, that the captain had always a share in her?—No, that was not necessary; either he or his friends, in all probability, were asked to do so, or a man might put a relation of his own in free of all expense.

882. Was it the habit of commanders to transfer their interest in the ship from one commander to another, according as they gave or assumed the command?—I should think they thought it an advantage to do so.

883. You have no doubt as to the difference of the advantage of commanding freight ships at that period and the advantage of commanding the traders now, have you?—There have been very large fortunes made in the former; but I do not think there will under the present system.

884. So that, in fact, individuals who had intended to go on in the freight service will have lost an advantage by the alteration of the charter?—There can be no doubt of it, I should say.

885. What ships did you command besides the Atlas?—I had a small one in the first instance, called the Midas.

886. When was that?—In 1810–11.

887. *Chairman.*] You commanded in the whole seven voyages?—Seven.

888. How many of them were double voyages?—The Midas was a very small ship, only 450 tons. The whole of the six voyages in the Atlas were double voyages.

889. Mr. *Hastie.*] How many voyages was it necessary for a young man to go, entering the freighted service, before he was eligible to command one in the company's service; how many voyages must he necessarily have gone?—To the best of my recollection it would be three voyages in the junior grade and three in the senior, provided he was 26 years of age.

890. Then immediately upon his completing his six voyages in one of the freighted ships, if he had sufficient funds to take a sixteenth and interest sufficient, he would get a command, provided a vacancy took place?—Not unless he could come to some arrangement with the owners of the ship.

891. Have you not known young men who have entered the service, who have not been eligible for a command, but who have got the command by a vacancy in the ship the moment they were eligible, having performed the requisite number of voyages?—Such things have occurred.

 892. Now,

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892. Now, in the company's own ships they rise by seniority?—Yes.

893. Therefore a young man entering as a midshipman, he could only get promoted as vacancies occurred by death or resigning the service; was it not a much longer period before he obtained a command in the company's own ships under such regulations, than if he had been in the freighted service, and had the power of taking shares in that freighted service?—In the freighted service it stood in regard to the interest the young man had.

894. But understand me; in the company's own ships they rose to command by seniority?—They did.

895. Therefore no purchase such as you assume, or no taking shares, would advance him beyond the vacancies that naturally took place in consequence of those regulations; was it not a much longer period before he arrived at command if he continued in the company's own service than he was in a freight ship, where, on the completion of six voyages, by taking a share in the ship, he was immediately eligible to command?—In many cases it has happened, most certainly.

896. But he could do it?—He could.

897. But he could not do so in the company's?—He could not.

898. Mr. *Bagshaw.*] But if an officer had served a prescribed period of time in the company's own service, he was still eligible for a command in the company's ship in the freighted service upon equally good terms as those mentioned in your preceding examination?—I have always understood so.

899. Lord *Granville Somerset.*] You have always understood that the captains in the company's own service had a perfect right and prospect of coming into the freighted service after they completed their five voyages in the home service, had they not?—I always understood so.

900. And I think, on the other hand, the captains of the freighted ships, in point of rank and in point of command, and so forth, were exactly on a footing with the other branches?—Precisely.

901. There was no difference?—No difference.

902. Nor in the uniform?—No.

903. Nor anything else?—No.

904. If you were a senior officer, you commanded the company's own captain?—Yes.

905. If you were a junior officer, you obeyed him?—Yes.

906. Mr. *Bagshaw.*] You are aware the company chartered ships for single voyages to bring home their teas from China occasionally?—That is since I left the service.

907. But you are aware of that fact, that they did?—I am aware of it.

908. Particularly convict ships now, from New South Wales?—The company has been in the habit of giving these ships the privilege of going into China for years past, by way of inducement to take convicts out.

909. And they brought home teas for the company, under those circumstances, as low as 8*l.* a ton, have they not?—That I cannot tell.

910. Does it not appear so by the publication or registry of the East India shipping?—It does.

911. *Chairman.*] But are you aware what freight was paid by the Government to the owners of those ships, for the conveyance of convicts out at that time?—I am not aware of it, but I dare say it was very well worth their while to carry them out and get this freight of 8*l.* a ton.

912. Do you think they received 8*l.* more outwards?—I really cannot give any opinion upon that; I have no knowledge of it.

913. Mr. *Bagshaw.*] Are you not aware that large ships (1,200 ton ships for instance) were employed for one voyage to bring home teas at about 12*l.* a ton for the voyage?—Yes, they were on a direct voyage, I recollect it.

914. *Chairman.*] Were not the ships so chartered for a single voyage paid at per ton for all the cargo they delivered?—I understood they were.

915. Was that the case in the charters of the company's ships in the regular freighted service, or were they paid by the register tonnage?—I have always understood, to the best of my recollection, on all they carried. They were only masters.

916. I first asked you whether the ships chartered for a single voyage were paid for all they carried at the rate per ton stipulated by the charter?—To the best of my recollection, on all they carried.

917. Was that the case with the ships that were chartered on a series of voyages

voyages in the company's regular freighted service, such as the Atlas?—The last three voyages of the Atlas it was so, on all she brought home; it was not in her early voyages.

Captain *Chas. Otway Mayne.*

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Martis, 9° die Maii, 1837.

MEMBERS PRESENT.

Captain Alsager.	Mr. Praed.
Mr. Bagshaw.	Lord Granville Somerset.
Mr. Hastie.	Mr. Young.
Mr. Palmer.	

MR. GEORGE FREDERICK YOUNG, IN THE CHAIR.

Lord *Ellenborough*, attending by permission of the House of Lords, Examined.

Lord *Ellenborough.*

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918. *Chairman.*] I BELIEVE your Lordship was President of the Board of Control in the early part of the year 1835?—I was.

919. Does your Lordship recollect at that period an application being made in reference to the admission of Captains Newall, Barrow and Glasspoole to the compensation provided by the regulations adopted under the India Act?—I really do not. Nor have the papers which I have read since I understood that it was desired I should be examined before the Committee refreshed my memory on the subject. All I can recollect are the principal points of the transaction between the Board of Control and the East India Company, relative to the compensation to be granted to their maritime officers under the East India Charter Act.

920. Then your Lordship has no distinct recollection of an application having reference to the compensation to be granted to the commanders of company's own ships, as distinguished from those of the freight service?—No, I have not. All I recollect of it is this, that when I went to the Board of Control I looked through the papers showing the communication between the Board of Control and the Court of Directors, relative to the compensation to their maritime officers; and it occurred to me that the first proposition of the Court of Directors was consistent with equity and with the Act of Parliament. And my impression is, that I should not only have acquiesced as Mr. Grant did in that first proposition, but that I should have distinctly told the Court of Directors that I would not agree to any other, because that was equitable. I recollect further, that it was my distinct impression that the rule drawn by Mr. Grant, by which certain officers who had served within five years were to be compensated, and those who had not served within that period were not to be compensated, was contrary to equity, inasmuch as it might happen, and I believe it did happen, that several persons who had served within the five years had no chance of ever serving again, and therefore were not equitably entitled to compensation; and that several officers who had not served within the five years had a chance of serving again, and therefore were entitled to compensation. I recollect distinctly having told some of the maritime gentlemen who waited upon me at the India Board, that that was my impression, but at the same time my impression at that time was that the matter was concluded; that all that the Act required had been already done, and that I could not break up that which had been agreed upon by the Court of Directors with my predecessor.

921. It was then your Lordship's intention, notwithstanding your personal opinion of the inequity of the regulations under which the compensation was to be awarded, that the regulations, having been made, should be adhered to?—I did regret that I had it not in my power to put an end to them, for I thought them contrary to equity, and a most severe burthen on the people of India.

922. But still, having been adopted by your predecessor, it was your Lordship's intention to abide by them, notwithstanding such opinion?—I thought I had no power to do otherwise. I thought that the matter then rested with Parliament during the two months which, by the Act, must elapse before anything was to be paid.

923. It was then your Lordship's opinion, that the arrangement for compensation having been made between the Board of Control and the Court of Directors, in conformity with the Act of Parliament, there was no legal power vested in the Board over which your Lordship presided to depart from that arrangement?—That was my impression.

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924. Has your Lordship's attention been directed since that period to the case of the three officers now under the consideration of this Committee?—It has.

925. May I ask your Lordship, whether under the precedents established by the decisions of the Court of Directors, sanctioned by the Board of Control, it is your Lordship's opinion that the petitioners are entitled to the pension they claim?—I think that they are, according to the precedents so established; but that they are not, according to what must, I think, have been the intention of the Act of Parliament.

926. But does your Lordship consider them equally entitled with the other captains of company's own ships, to whom pensions have been awarded in addition to the compensation for the loss sustained by them from unexpired voyages?—Certainly.

927. Has your Lordship any recollection of the circumstances attending an application from Captain Mangles to be admitted to pension?—None whatever.

928. Mr. *Praed.*] Your Lordship has stated that you considered the regulations made by Mr. Charles Grant, while he was at the head of the Board, which extended the compensation to all officers who had served within the period of five years, as far too extensive and profuse?—Yes.

929. Nevertheless you have stated, that the Board over which you presided considered themselves bound by them, as partially incorporated with the Act of Parliament?—Just so.

930. Then, without reference to the case of any particular individual, do you recollect, that believing this regulation to involve great profusion, and believing nevertheless that with the regulation itself we could not interfere; does your Lordship, I say, recollect, that there was a disposition in our minds to separate as much as possible all cases from the regulation itself; that our object was to restrict the operation of the regulation wherever we could?—As far as I can recollect, my desire was, if any case should occur not included within the arrangement made by my predecessor, to decide upon it according to what appeared to me to be in itself equitable, and according to what appeared to me to have been the intention of the Act of Parliament.

931. Then if in the case of an officer who had served within the period of five years, there were circumstances which led us strongly to believe his case was not contemplated by the Act of Parliament, does your Lordship consider it possible we might at first have resisted such a claim?—I doubt that. If the case was one clearly included in the arrangement made by Mr. Grant and the Court of Directors, I do not think I could have interfered with it.

932. Does your Lordship now consider that the cases of officers who had served on board the company's own ships within the period of five years, and had completed their necessary term of voyages, were clearly included within Mr. Charles Grant's regulation?—Not having that regulation before me, I can hardly venture to say that it is. In all probability the Court of Directors thought it was not, or they would not have sent up the case for the decision of the Board. I think that the claim of these gentlemen may be conceded upon the same principle upon which the compensation was granted to the other officers.

933. Does your Lordship see any other difference between the cases of officers so situated, and those who were generally bound by the compensation, except this: that the one class of officers having completed a certain period to which they were restricted in the company's own service, raised against themselves a presumption that they would not have returned to regular service?—I really can see no distinction between the case of an officer who had served all the five voyages, and the case of an officer who had served three or four, and who was compensated for those that he had not served.

934. I am putting the question with reference to the freight service; does your Lordship see any difference between the case of an officer in the freight service, and an officer in the company's own service, who had served his five voyages, except the presumption, which would arise from the expiration of those five voyages, that that officer would not take service again?—No; I do not see any. I answer with some hesitation, not being perfectly master of these matters; but at present I see no difference between the cases.

935. And do you think that that presumption, that the officer would not take service again, is capable of being rebutted by any evidence—the presumption raised from the fact of the expiration of the five voyages?—No doubt; but I should require very strong evidence.

936. Lord *Granville Somerset.*] With regard to the application of Captain Mangles, I think your Lordship has said you cannot call to your mind any application

application whatever having been submitted to the Board of Control?—Not the least.

937. You are not aware, that on the 27th of March a letter was sent by the Court of Directors to the Board of Control, applying for that compensation and sanctioning it?—I have no recollection of it.

938. Was it not so near the period when you ceased to be President of the Board of Control as not to come probably under your direction?—The last two or three weeks of my holding office, I was occupied with matters so very much more important relating to the doing away with all the transit duties of India, and other matters which were of the greatest possible importance, that I think in all probability I did not attend very much to these minor details. I have no recollection of that.

939. Your Lordship has no recollection of ever having given any sanction to it?—Not the least; no recollection at all.

940. You do not know the circumstances of the case either?—No.

941. Not having seen any papers connected with it?—I have seen them, but I do not recollect it.

942. You are not aware that this gentleman had been for a year and a half or more employed as a shipping agent?—No.

943. Are you aware of any other person so employed receiving compensation under that particular clause of the Act of Parliament?—No.

944. Mr. *Bagshaw*.] I need not ask your Lordship a question of this sort, because your Lordship is quite aware of the difference between a command in the company's own service and the company's freighted service?—Yes.

945. And that in the company's own service they were limited to a command of five voyages only?—Just so.

946. Then did not that make some difference in your Lordship's estimation of the petitioners being entitled to remuneration?—If I had had to decide upon any one of these cases, I should have said, as I apparently did in this case, that a man who had served the five voyages was in all probability not going to sea again, and that therefore he lost nothing by the discontinuance of the company's trade.

947. Then I am to understand your Lordship to say, that if the case of these three gentlemen had been brought before your Lordship, without reference to any plan or scheme laid down by your predecessor, that your Lordship would have refused them remuneration?—If these gentlemen had come to me, and had proved to me, that if the company's trade had not been discontinued they would certainly have been employed, I should have said, that is a case in which compensation ought to be granted. I should then have looked at the arrangement made with the company, to have seen whether it could be granted under that arrangement; I should have thought, certainly, that that was a case in which it ought to have been granted, but I should in each case have required, as I had actually from the beginning, either proof, or something approaching to proof, that there was a real loss in consequence of the Act of Parliament.

948. Then I understand your Lordship to say, that though these gentlemen have served their prescribed number of voyages in the company's own service, and the company were engaging, and they engaging also, not to seek employment further in the company's own service afterwards, yet your Lordship would consider that they would be entitled to compensation?—If they could prove that they would have been employed if the trade had not been discontinued, but not otherwise; the presumption would have been otherwise strongly against them.

949. *Chairman*.] Is your Lordship aware of the number of cases that had actually occurred, independent of those of the three petitioners, of commanders having completed their number of five voyages in the company's own service; of the whole number of such cases that had occurred?—I am not.

950. If your Lordship were informed that the total number of persons so circumstanced was only five, and that in each of those cases there were particular circumstances that could be given in explanation of the reason why those five individuals had not continued their profession, would not that tend very much to destroy the presumption that these petitioners did not intend to go to sea again, founded on the fact that no such instance had previously occurred?—It would tend very much to diminish the presumption, not totally to destroy it.

951. Mr. *Bagshaw*.] In your Lordship's view of the case, whether gentlemen had served five years in the company's own service, or in company's freighted ships, you would remunerate them precisely upon the same terms?—I believe I have already stated, that I think the only persons entitled to compensation, and who

Lord *Ellenborough*. in my opinion ought to have had compensation under the Act of Parliament, were persons who could distinctly prove that they lost by the operation of the Act.

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952. Lord *Granville Somerset.*] Would not the intention of the parties to go on with the East India service, in the freight service I mean, made previously to the Act of Parliament being passed, and also previously to the completion of their five voyages, go far to establish the presumption that they really did intend to go on in the maritime service?—I should not have considered that their intending to do it was a sufficient ground for compensation.

953. Coupled with the declarations of shipowners, that they would have been prepared to take them as captains in the freight service?—That is quite another thing. If they could bring the declarations of shipowners, that those shipowners would certainly have employed them, then they had a claim.

954. And the *animus* would be shown by the declarations they made before this question was under discussion?—Certainly; I should have rejected, I think, any declaration made subsequently, or at least looked at it with the greatest possible suspicion.

955. Were those circumstances satisfactorily stated to you, previous to your leaving the Board of Control?—Do you mean before this case was decided?

956. Before the date of the letter written by Mr. Praed?—I have already said, I have no recollection at all with respect to the particular case. It is only possible to recollect the general outlines.

957. Because your Lordship's refusal is that on which the present Board of Control resist this application, I want to show therefore, which is the fact, that you were not aware of these peculiar circumstances, and these corroborative circumstances of loss, at the moment of your decision?—If you ask me whether, at the time of the decision, I knew that these officers could prove that they would certainly have been employed if the trade had not been discontinued, to that I must answer I have no recollection whatever of any such proof having been offered. I believe it was not. I should think not.

958. But still your Lordship has stated, you consider yourself bound by the regulation of Mr. Charles Grant to compensate all officers who had been employed within the five years?—I consider that I had no power of altering the arrangement that had been formed by the Board, to which I succeeded with the Court of Directors.

959. Mr. *Praed.*] Now the decision, which is communicated in that letter which bears my signature, being sent back, that these officers should be excluded from the benefit of that regulation by a mere presumption that they would not have gone back to the trade; would you have required such stringent evidence as you speak of, to overcome that mere presumption which is founded after all upon a mere probability?—As far as I recollect the terms of that letter, which I have seen recently, it by no means precluded a rejoinder on the part of the Court of Directors or of the officers. It said this, I believe, that no officer under their circumstances having ever served again, we did not see how they were injured by the cessation of the trade. If they could have proved in answer to that presumption of ours, that they would be injured, the question was again open for our consideration. It was not a final rejection.

960. Mr. *Palmer.*] Your Lordship has stated your presumption would be, that these gentlemen would not have sought employment, because other officers had not done it. I think it was stated, that there were but five besides these gentlemen; would not a material difference in the age of the parties have some weight in your Lordship's mind as to the chance of their seeking employment?—I believe that the number of officers under the circumstances of these gentlemen was never mentioned to me; what was mentioned was this, that in the course of eighteen or twenty years no one had yet done so, and that I thought afforded a very strong presumption.

961. The only persons who had only been the five voyages in the company's service appear to have been, one of the gentlemen who is an able-bodied man in this room—two other gentlemen, Captain Cameron and Captain Sotheby, both of whom are 60 years of age, and the three officers now applying are 48, 49, and 48; now would not the difference in the ages of those gentlemen make a material difference in your Lordship's mind, as to the chance of their going to sea again?—Some difference it would, certainly.

APPENDIX.

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Appendix, No. 1.

Petition of Captains Newall, Barrow and Glasspoole.

Appendix, No. 1.

PETITION of Captains *Newall, Barrow* and *Glasspoole.*

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The humble Petition of Captains *David Rae Newall, Thomas William Barrow* and *Richard Glasspoole.*

Showeth,

That your Petitioners are commanders of the late maritime service of the East India Company, and for several years served in the regular ships chartered by the Company on freight. In 1816 the Company owned but one ship, but in that year they acquired three other ships, when your Petitioners entered on board those ships in the direct service of the Company. The number was increased to eight in 1818, and became thenceforward known as the Company's own service.

That your Petitioners have commanded five voyages in Company's own ships; their last voyages being within short periods of the passing of the India Act of 1833, but they looked forward to obtain, and had the Company's trade continued they would have obtained, commands in the Company's freight service, for the purpose of repairing the disappointments in some of their former voyages, which had been rendered nearly unprofitable by accidental causes.

That your Petitioners have lost the opportunity of pursuing their profession by the operation of the Act abolishing the Company's Indian trade, at a time of life when it is impossible to enter upon a new pursuit. Their profession has been taken from them, and by an exception, enforced in their case alone, compensation has been withheld from them. The ground of refusal is, that they were commanders of the Company's own ships, and not of ships chartered by the Company, and it has been erroneously supposed that they were debarred by the Company's own rules from again going to sea in the service, and therefore lost nothing by the abolition of the trade.

The honourable East India Company, however, are satisfied of the loss and injury sustained by your Petitioners, and have sanctioned their claims to compensation after the most mature deliberation; but the opposition arises entirely from the Board of Control, who, from a mistaken view of the subject, inflict serious injury on your Petitioners.

Your Petitioners therefore respectfully beg leave shortly to state their case to the consideration of your Honourable House, and trust they will be able to show that no ground exists for excluding them from indemnity.

The

Appendix, No. 1.

Petition of Captains Newall, Barrow and Glasspoole.

The East India Company possessed a commercial navy, consisting partly of their own ships, but principally of regular ships chartered on freight; the proportions, in 1818, being as eight in 47. The officers of all these ships constituted but one maritime service, and ranked from their appointment, without any regard to the question, whether they were in Company's own ships or freighted ships; but in order to regulate their own disposal of patronage, and to do justice to the juniors, the Company arranged that no person should command one of their own vessels for more than five voyages. If in that period he did not make a competence he was at full liberty to seek employment from some owner of a Company's freight ship, and retained his rank in the Company's maritime service.

Your Petitioners, having served five voyages respectively in the Company's own ships, were officers in the maritime service, eligible to further command in freight ships; and being married men with increasing families, and their voyages having been inadequate to a provision for them, had fully intended to resume the active pursuit of their profession in that service, had it not been totally abolished by the Act of Parliament.

That in a General Court of the East India Company, held the 20th of August 1834, it was declared "that the maritime officers of the Company who had served or were serving in ships owned or chartered by the Company, and had not abandoned the service, should be justly and liberally compensated in consequence of the interests of such officers being affected by the entire discontinuance of the East India Company's trade; and to such commanders as had been 10 years and upwards in the Company's service, reckoning from the time they first entered the service to the termination of their last voyage, pensions of 250*l.* per annum" were awarded. And it was further "recommended to the Court of Directors to make such additional allowances as might be deemed reasonable to the commanders and officers of their own ships, and to any other commanders and officers who might be considered specially entitled thereto."

The sanction of the Board of Control was given to the scheme of compensation proposed in these resolutions, subject to a reduction of one-fifth in amount.

Your Petitioners conceived that as commanders who "had served in ships owned by the Company, and had not abandoned the service," they were clearly entitled to compensation; but a doubt was suggested on this subject, in consequence of their having served five voyages in the Company's own ships; and it was alleged that there was not a single case in which a commander so circumstanced had gone again to sea in the command of a ship.

On investigation it appeared that this allegation was not strictly true, and that the facts in no degree supported the inference meant to be drawn. There had been, in all, but 10 commanders of the Company's own ships, besides those who, not having completed five voyages, were already actually pensioned. Of these, three had performed voyages in freight ships before entering the Company's own ships, and therefore commanded more than five voyages; the fourth actually commanded Company's own ships for seven voyages; the fifth was obliged to resign his command for breach of orders; the sixth retired before he had performed five voyages, having come into possession of a fortune; two more died before completing their voyages; and there remained only two who retired at the end of their five voyages. These two are gentlemen of large fortune, and without families, and their conduct cannot be a fair criterion for judging of that which your Petitioners would have adopted under circumstances precisely the reverse of theirs!

The subject was therefore reconsidered, and the Committee to whom it was referred recommended the admission of the claims of your Petitioners, "provided they furnished the required documents," which your Petitioners have done. This recommendation was confirmed by the Court of Directors, who found your Petitioners entitled to compensation. Nor does the case rest here; for, at a General Court of the East India Company, held on the 16th of December, 1835, it was "Resolved unanimously, that, according to the intention of this Court, in the scheme of compensation proposed by them for their maritime officers, Captains Newall, Barrow and Glasspoole are entitled to the pension of 200*l.* per annum granted by this Court to commanders generally of the late maritime service who had been in actual service between the 28th of August 1828 and the 28th of August 1833, and that the Court of Directors be requested to take the necessary steps for paying the same accordingly."

Under these circumstances your Petitioners applied again to the Board of Control, and in addition to the votes of the Committee of the East India Company, the Court of Directors, and the Court of Proprietors, they tendered evidence to show that they were in the situation of officers in the freight service, qualified to command; that they had a certain prospect of obtaining command; that they were deprived of these benefits by the forced cessation of the Company's trade; and further, that though other commanders of the Company's own ships had not again gone to sea in freight ships, your Petitioners would have done so. Your Petitioners, however, regret that, without hearing them, or giving any reason for the refusal, the Board of Control persist in interposing to prevent your Petitioners receiving the compensation awarded them by the Company.

The case of your Petitioners is the more hard, inasmuch as the Board of Control have already granted pensions in cases precisely similar in principle; for the commanders of the Company's own ships, who had unexpired voyages, have been paid a special gratuity, equal to the full estimated value of such voyages, and a pension besides. The special gratuity having satisfied their claims on the Company as owners for the breach of a specific contract, the pension is granted for the loss of future employ in the freight service;—a loss equally experienced by your Petitioners, and yet they refuse to your Petitioners this compensation.

Appendix, No. 1.

Petition of Captains Newall, Barrow and Glasspoole.

That the compensation pension of 200 *l.* per annum, claimed by your Petitioners, is not to be paid out of the public purse, but from the commercial assets of the Company, to which your Petitioners have contributed in the shape of fees upon their private trade, in the ratio of 27½ per cent. upon their gross sales proceeds, at the expiration of each of their voyages in command, sums which, in the aggregate, amount to about 27,000 *l.* (without reckoning interest), being five times as much as the value, at the Company's rates, of the pensions awarded to them by the Company, but intercepted by the Board of Control.

Your Petitioners beg leave to add that, in the forty voyages which they performed in the Company's service, they have conveyed in safety, on board the different ships to which they belonged, as officers and commanders, produce to the value of 8,000,000 *l.* sterling to the treasury of the Company, and which paid to the Crown a revenue nearly equal in amount.

Your Petitioners desire specially to entreat the attention of your Honourable House to the fact that, when Lord Glenelg (then the Right Hon. Charles Grant, and President of the Board of Control) conducted, on behalf of His Majesty's Government, the whole of the arduous negotiation with the Court of Directors respecting their abandonment of their trading privileges under their perpetual corporate charter, the Court frequently adverted to the necessity of the Government guaranteeing "a provision, out of the Company's property, for suitable pensions to their servants whose interests might be affected by the change of system," and his lordship replied, in his answer dated 14th March 1833, "that the assignment of the Company's commercial property would necessarily involve, also, a transfer to the Government of all obligations, whether of a legal kind, or binding on the ground of equity and liberality, which may attach to that property."

Not content with this assurance, the Court, in their letter of the 18th of March 1833, reverted to the question in the following terms: "We are convinced that the proprietors would feel the utmost repugnance to any proposal for their abandoning the interests of men who have beneficially served the Company with zeal and fidelity, and transferring them to the care of others, who, having had no opportunity of witnessing, must be unable to appreciate their services."

In reply to this, his lordship, in his letter of the 21st of March 1833, gave the following pledge: "In the arrangements respecting the future circumstances of those meritorious servants, it will be my anxious desire, as well as my duty, to co-operate with the Court in every effort to fulfil the obligations of justice and liberality."

The right and power of the Company to compensate and reward their faithful servants was thus made an indispensable condition, a *sine quâ non* of the compromise, not merely on the part of the directors but of the proprietors, and was repeatedly debated by them; but the foregoing satisfactory and unequivocal pledge removed all their fears and scruples on this head.

That the 7th clause of the India Act of 1833 provides that compensation shall be granted to "all those whose interests may be affected by the discontinuance of the Company's trade;" and this clause was altered by your Honourable House specially with a view to include the claims of your Petitioners. The clause states that the compensations are to be granted under the sanction of the Board of Control, but this sanction was considered by all to be governed by the solemn pledge of Lord Glenelg to co-operate in every instance with the Company. This sanction was in fact given on the 12th of November 1834, to a scale of compensation, including your Petitioners; and the Board have therefore no just ground to make an exception, in their cases, to a grant made by virtue of the Act of Parliament, and with the consent of both the parties to whom the power, by that Act, is delegated.

Your Petitioners respectfully submit that the public is bound by the pledge given in the name of Government in 1833 by Lord Glenelg, and that the Board ought not to interfere to prevent the Company from doing justice to those who were sacrificed to the views of that Government. The facts on which the claims of your Petitioners depend are within the personal knowledge of the Directors, and they have decided in favour of them; the Company have repeatedly confirmed this decision; the amount is not questioned, and your Petitioners therefore submit that it would be a breach of faith if the award of compensation to your Petitioners for the heavy injury they have sustained were now intercepted by the Board of Control.

Your Petitioners, therefore, humbly pray that your Honourable House will be pleased to take their case into your consideration, and that the East India Company may be enabled to grant your Petitioners the compensation, which, on the faith of its being already given, had led them to enter into pecuniary engagements to an equal amount, and to which they are justly entitled for the serious injury they have sustained by the annihilation of their profession for the public good,—but under the most solemn pledges of indemnity given by their former honourable masters, guaranteed by His Majesty's Government, and provided for by Act of Parliament.

And your Petitioners will ever pray.

(signed) . . *David Rae Newall,*
Thomas William Barrow.
Richard Glasspoole.

Appendix, No. 2.

RESOLUTIONS of the General Court of the East India Company, held 20th August 1834.

At a General Court of Proprietors of the East India Company, held on Wednesday the 20th August 1834.

Resolved by the Ballot, That in the opinion of this Court it was the intention of the East India Company, evinced by the terms of the compromise which they entered into with His Majesty's Government, and which has been confirmed by Parliament, that the maritime officers of the Company, who had served or were serving in ships owned or chartered by the said Company, and had not abandoned the service, should be justly and liberally compensated, in consequence of the interest of such officers being affected by the entire discontinuance of the East India Company's trade.

That such compensation was one of the express conditions of relinquishing the said trade, and that section 7 of the Act of 3 & 4 Will. 4, c. 85, was altered and modified to admit the claims of the said officers to compensation.

That it would be inconsistent, therefore, with the honour and character of the East India Company, contrary to the spirit and intention of the Act of Parliament, and at variance with the moral and equitable rights of the maritime officers, if a just and liberal compensation were not awarded to them for being suddenly and entirely deprived of the advantages which they derived from the Company's service.

Secondly, That this Court having taken into consideration the claims of the maritime officers to that compensation which has been solemnly and legally recognized and provided for, deem the following scale of pensions and gratuities to be no more than adequate to the just expectations of the claimants.

Pensions

For such commanders and officers as have been 10 years and upwards in the Company's service, reckoning from the time they first entered the service to the termination of their last voyage:—

Commanders	£.250	per year.
Chief mate	160	—
Second mate	140	—
Surgeon	140	—
Third mate	100	—
Purser	100	—
Fourth mate	70	—
Assistant surgeon	70	—
Fifth and sixth mates	50	—
Midshipmen	30	—
Boatswains, gunners and carpenters	25	—

Widows one-half of their husbands' pensions during widowhood; children the usual proportion.

Gratuities

For such officers as have not been 10 years in the Company's employ, to be computed according to their rank and time of service, in proportion to the value of the pension granted to those who have served 10 years. That the compensation be given to all commanders and officers who have been in actual employ in the service, within the period of five years antecedent to the 28th August 1833. That it be optional with the Company, in lieu of pensions, to pay to the commanders and officers the value of the same in money, and that the scale now proposed be submitted for confirmation to the Board of Control.

Thirdly, That in addition to the foregoing scale of compensations to the maritime officers of the Company, this Court recommends that the commanders and officers of those ships whose contracts with the Company are unexpired, be reasonably compensated for the non-performance of the remaining voyages, and that it be recommended to the Court of Directors to make such additional allowance, as may be deemed reasonable, to the commanders and officers of their own ships, and to any other commanders and officers who may be considered especially entitled thereto, and to submit the same to this Court.

Appendix, No. 3.

Appendix, No. 3.

Official Letter of the President of Board of Control.

OFFICIAL LETTER of the Right Honourable *Charles Grant*, President of the Board of Control, dated 12th November 1834, confirming and sanctioning the foregoing Resolutions.

The Chairman and Deputy Chairman of the East India Company.

Gentlemen, India Board, 12 November 1834.

I HAVE the honour to acknowledge the receipt of your letter of the 27th of last August, and the accompanying copies of the proceedings of the General Court of Proprietors of the 13th and 20th of that month, regarding the compensation which should be given by the East India Company to the commanders and officers of the maritime service, which proceedings comprehend the original plan of the Court of Directors, their plan as extended in consequence of a reference from the General Court, and the plan which that Court has adopted.

The Board regret that this difficult question should be attended by a difference of opinion between the Court of Directors, who are specially entrusted with the management of the financial resources of the Company, and the Court of Proprietors.

On a full consideration of all the circumstances of the case, involving, as it does, the interests of a most meritorious class of men, the Board think it advisable that an intermediate measure should be adopted.

Taking as a basis the more comprehensive of the plans submitted to them, namely, that of the proprietors, they are of opinion that it is, with justice to all parties, susceptible of the following modifications and reductions.

The pensions to such commanders and officers as have been 10 years and upwards in the Company's service, reckoning from the time they first entered the service to the termination of their last voyage, to be reduced one-fifth.

The pensions to begin from the 22d of April 1834, as to all officers who were not at sea in the season 1833–34, and from the 22d April 1835, as to those who were at sea in that season.

Widows to receive one-half of their husbands' pensions; children the usual proportion.

No widow to be entitled to a pension who was not married previously to the 28th of August 1833, nor any child whose parents were not married previously to the same date.

The pensions to widows to cease on their marrying again, and not to revive on their again becoming widows.

The acceptance of a pension under this arrangement to bar all future claims upon the Poplar Fund.

The gratuities to such officers as have not been 10 years in the Company's service, to be reduced in the same proportion as the pensions.

The compensation, whether pension or gratuity, to be given to such commanders and officers only as have been in actual employ in the service, within the period of five years antecedent to the 28th of August 1833, upon their declaring that it was their intention to continue to follow their profession in the maritime service of the Company.

But no pension or gratuity to be granted to any person unless he has been at least two voyages in the service; and no claimant to receive compensation for a higher rank than that which he held during his last voyage.

In the commutation of pensions and the computation of gratuities, the same rules and rates to be followed as are now applied to the Company's commercial servants.

With these modifications and reductions, the Board sanction the plan of the proprietors.

With respect to the third resolution of the proprietors, as the Court of Directors may wish to revise the cases comprised in that resolution, in reference to the settlement sanctioned in this letter, the Board do not express any opinion on the subject at present.

I have, &c.

(signed) *Charles Grant.*

Appendix, No. 4.

Appendix, No. 4.

Report of Finance and Home Committee, 7 May 1834.

Copy REPORT of the Finance and Home Committee of the Court of Directors of the East India Company, dated the 7th May 1834.

At a Finance and Home Committee, the 7th May 1834.

HAVING taken into consideration the claims of the commanders of the ships in the chartered service of the Company whose contracts are unexpired, to compensation for losses consequent on the discontinuance of the Company's trade, your committee submit it as their opinion that these commanders are entitled to an equivalent for their privilege tonnage, at the probable market value, for the voyages which they would have performed if the contracts had been completed.

Upon this principle your committee recommend that the sums to be now paid to the several commanders in question, upon their declaration as to the number of voyages which they would have performed, be fixed as follows: viz.

For

For three voyages - - - - - - -	£. 4,000
Two ditto - - - - - - - -	3,000
One ditto - - - - - - - -	2,000

Appendix, No. 4.

Report of Finance and Home Committee, 7 May 1834.

With respect to the officers of the ships with unexpired contracts, it appears to your committee that they have no vested interest, and that their claim to compensation rests upon no other ground than that of the officers of the chartered service generally.

Your committee therefore recommend, that the regulation contained in the report regarding compensation to the commanders and officers of the chartered service, be applied to the cases of all officers claiming to belong to any of the ships with unexpired contracts.

Appendix, No. 5.

Appendix, No. 5.

Minute of the Court of Directors, 19 November 1834.

EXTRACT MINUTE of the Court of Directors of the East India Company, dated 19th November 1834, which relates to the Special or Extra Compensation of Commanders for Unexpired Voyages.

THE Court of Directors proceeding to consider what alterations should be made in their plan for compensating the commanders of ships under contract, and the commanders and officers of the Company's own ships, in consequence of the grant to them, in common with the commanders and officers of the freighted service, of annuities and gratuities to the extent stated in Mr. Grant's letter of the 12th instant:

The Court observe, that their plan proposed to compensate the commanders of ships under contract, and of the Company's own ships (the senior chief mate of the latter to be considered a commander), by the payment to them of the undermentioned sums; viz.

For five voyages - - - - - - - -	£. 5,000
For four ditto - - - - - - - -	4,500
For three ditto - - - - - - - -	4,000
For two ditto - - - - - - - -	3,000
For one ditto - - - - - - - -	2,000

It having now been determined to grant to commanders generally annuities of 200 *l.* each, the Court of Directors are of opinion that the present value of the annuity of a commander, at the rates prescribed by the Board (and in the case of the senior chief mate of the Company's own service, the annuity of a chief mate), for the periods which would have been occupied in the number of voyages embraced in the beforementioned amounts of compensation, should be deducted therefrom, the duration of a voyage being taken at 15 months.

Appendix, No. 6.

Appendix, No. 6.

Names of Commanders who have received Special Compensation.

A RETURN of the Names of Commanders of Company's own Ships, who have received Special Compensation for the Loss of their Unexpired Voyages, distinguishing their respective Ages; the Number of such Unexpired Voyages and the Amount of such Compensation in each case; and stating whether the said Commanders have been admitted to a Pension for Life, in addition to such Special Compensation as aforesaid; and if so, stating also in each case the Yearly Amount of such Pension, and whether such Admission was sanctioned by the late Board of Commissioners for the Affairs of India or by the present Board.

NAMES of COMMANDERS.	Ages.	Unexpired Voyages.	Special Compensation for Loss of Unexpired Voyages.	Annual Pension for Life, in Addition to such Special Compensation.	Whether such Pension was sanctioned by the late Board of Commissioners for the Affairs of India, or by the present Board.
			£. s. d.	£. s. d.	
Charles Shea - -	51	1	1,766 – –	200 – –	These pensions were granted under the plan adopted at the suggestion of the Board of Commissioners, in November 1834, the Right Hon. C. Grant, then President.
Bryan Broughton -	50	1	1,767 – –	200 – –	
Philip Baylis - -	50	2	2,555 – –	200 – –	
Timothy Smith - -	46	2	2,558 – –	200 – –	
James B. Burnett -	47	3	3,364 – –	200 – –	
William R. Blakeley -	47	3	3,369 – –	200 – –	
John Hillman - -	43	3	3,367 – –	200 – –	
			These are the sums after deducting the value of 200 *l.* per annum, for the periods which would have been occupied in completing their voyages.		

East India House, 16 May 1837. *James C. Melvill.*

Appendix, No. 7.

Appendix, No. 7.

Statement of Service, by Captain Barrow.

STATEMENT of the SERVICE of *Thomas William Barrow*, on Board the following Ships employed by the East India Company.

	Ships' Names.	Season Outward.	Station.
First voyage	Sir Edward Hughes	1803	Midshipman.
Second ditto	Britannia	1806	Sixth mate.
Third ditto	David Scott	1809	Fourth mate.
Fourth ditto	Cabalva	1811	Third mate.
Fifth ditto	ditto	1813	Second mate.
Sixth ditto	General Hewitt	1815	- ditto.
Seventh ditto	Scaleby Castle	1817	Chief mate.
Eighth ditto	- ditto	1819	- ditto.
Ninth ditto	General Hewitt	1821	- ditto.
Tenth ditto	- ditto	1823	Commander.
Eleventh ditto	George the Fourth	1825	- ditto.
Twelfth ditto	- ditto	1827	- ditto.
Thirteenth ditto	- ditto	1829	- ditto.
Fourteenth ditto	- ditto	1831	- ditto.

Declaration.

(DECLARATION.)

Gentlemen,

I, Thomas William Barrow, do hereby declare that I had not, previously to August 1833, quitted the maritime service of the Company, for the purpose either of retiring from it or of following any other pursuit; and that if the Company had gone on trading in common with the public, it was my intention to continue to follow the maritime profession in that service.

I am, &c.

To the Honourable Court of Directors of the East India Company.

(signed) *Thomas W. Barrow.*

Appendix, No. 8.

Appendix, No. 8.

Statement of Service by Captain Newall.

STATEMENT of the SERVICE of *David Rae Newall*, on Board the following Ships employed by the East India Company.

	Ships' Names.	Season Outward.	Station.
First voyage	Surat Castle	1807	Midshipman, sixth and fifth mates.
Second ditto	Ceylon and City of London.	1809	Fourth and third mates.
Third ditto	Cuffnells	1811	Third mate.
Fourth ditto	Henry Addington	1813	Chief mate.
Fifth ditto	Earl Balcarras	1815	Second mate.
Sixth ditto	- ditto	1817	Chief mate.
Seventh ditto	General Hewitt	1819	- ditto.
Eight ditto	Scaleby Castle	1820	Commander.
Ninth ditto	- ditto	1822	- ditto.
Tenth ditto	- ditto	1824	- ditto.
Eleventh ditto	- ditto	1826	- ditto.
Twelfth ditto	Waterloo	1828-9	- ditto.

(signed) *David Rae Newall.*

Declaration.

(DECLARATION.)

Gentlemen,

I, David Rae Newall, do hereby declare that I had not, previously to August 1833, quitted the maritime service of the Company, for the purpose either of retiring from it, or of following any other pursuit; and that if the Company had gone on trading in common with the public, it was my intention to continue to follow the maritime profession in that service.

I am, &c.

To the Honourable Court of Directors of the East India Company.

(signed) *David Rae Newall.*

Appendix, No. 9.

Appendix, No. 9.

STATEMENT of the SERVICE of Captain *Richard Glasspoole*, on Board the following Ships employed by the East India Company.

Statement of Service by Captain Glasspoole.

	Ships' Names.	Season Outward.	Station.
First voyage	Surrey	1804 and 1805	Midshipman.
Second ditto	Nottingham	1806 – 1807	- ditto.
Third ditto	Marquis of Ely	1808 – 1809	Fourth mate.
Fourth ditto	- ditto	1810 – 1811	Third mate.
Fifth ditto	Rose	1812 – 1813	Second mate.
Sixth ditto	Buckingham	1815 – 1816	- ditto.
Seventh ditto	Canning	1817 – 1818	Chief mate.
Eighth ditto	- ditto	1819 – 1820	- ditto.
Ninth ditto	- ditto	1821 – 1822	- ditto.
Tenth ditto	Buckinghamshire	1822 – 1823	Commander.
Eleventh ditto	- ditto	1824 – 1825	- ditto.
Twelfth ditto	- ditto	1826 – 1827	- ditto.
Thirteenth ditto	- ditto	1828 – 1829	- ditto.
Fourteenth ditto	- ditto	1830 – 1831	- ditto.

(DECLARATION.)

Declaration.

Gentlemen,

I, Richard Glasspoole, do hereby declare that I had not, previously to August 1833, quitted the maritime service of the Company, for the purpose either of retiring from it, or of following any other pursuit; and that if the Company had gone on trading in common with the public, it was my intention to continue to follow the maritime profession in that service.

I am, &c.

To the Honourable Court of Directors of the East India Company.

(signed) *Richard Glasspoole.*

Appendix, No. 10.

Appendix, No. 10.

PAPERS relating to Captains *Newall, Barrow* and *Glasspoole.*

Papers relating to Captains Newall, Barrow and Glasspoole.

(1.)—REPORT of the Finance and Home Committee, dated 11th February 1835.

HAVING reconsidered the claims of commanders of the Company's own ships, who within the prescribed period of five years have completed the limited number of five voyages, your committee recommend that, provided such commanders furnish the required documents, they should be admitted to the benefit of the maritime compensation, subject to the approbation of the Board of Commissioners for the Affairs of India.

(2.)—MINUTES of the Court of Directors of the 11th and 18th February 1835.

At a Court of Directors held on Wednesday the 11th February 1835.

A Report from the Finance and Home Committee, dated this day, being read, stating that they have reconsidered the claims of commanders of the Company's own ships, who have completed the limited number of five voyages, and recommending that, provided they furnish the required documents, they be admitted to the benefit of the maritime compensation.

Ordered,—That the said report lie for consideration.

At a Court of Directors held on Wednesday the 18th February 1835.

A Report from the Finance and Home Committee, dated and read in Court on the 11th instant, and ordered to lie for consideration, being again read:

Resolved by the Ballot, That having reconsidered the claims of commanders of the Company's own ships, who within the prescribed period of five years have completed the limited number of five voyages, such commanders, provided they furnish the required documents, be admitted to the benefit of the maritime compensation, subject to the approbation of the Board of Commissioners for the Affairs of India.

Appendix, No. 10.

Papers relating to Captains Newall, Barrow and Glasspoole.

(3.)—LETTER from *P. Auber*, Esq., Secretary to the East India Company, to *W. M. Praed*, Esq. M.P. Secretary to the Board of Control.

Sir, East India House, 21 February 1835.

I AM commanded to acquaint you that the Court of Directors of the East India Company, having had under consideration the cases of commanders of the Company's own ships, who, within the period of five years prescribed in the plan for the grant of compensation to the maritime service, have completed the number of five voyages, to which they were limited by the Court's regulations, have resolved, that, provided such commanders furnish the required documents, they be admitted to the benefit of the compensation; and I am to request that the said resolution, of which a copy is forwarded herewith, may be submitted for the approbation of the Board of Commissioners for the Affairs of India.

I have, &c.
(signed) *P. Auber*, Secretary.

(4.)—LETTER from *W. M. Praed*, Esq., Secretary to the Board of Control, to *P. Auber*, Esq. Secretary to the East India Company.

Sir, India Board, 21 March 1835.

I HAVE laid before the Commissioners for the Affairs of India your letters of the 7th and 21st ultimo, enclosing resolutions of the Court of Directors as to the

Claims of maritime officers promoted during a voyage, to receive the compensation of a higher rank;

Claims of officers who are or have been pensioners upon the Poplar Fund, and

Claims of the commanders of the East India Company's own ships, who had completed the number of five voyages, to which they were limited by the Court's regulations.

With respect to the claims of officers promoted during a voyage, the Board concur with the Court in the opinion that they are to receive compensation only for the rank which they held at the commencement of the voyage.

The Board have given their serious attention to the claims of the officers pensioned on the Poplar Fund, and to those of the commanders of the Company's own ships, they find, on inquiry, that there has been no instance of any pensioner permanently admitted on the fund, and only one instance of an officer receiving temporary relief from it, subsequently returning to the service; and that there has not been one instance of a commander of the Company's own service having completed his five voyages, and resuming the active pursuit of the profession. Under these circumstances, the Board are at a loss to discover on what grounds it is considered that these classes of officers have been injured by the cessation of the Company's trade, and they, therefore, must decline to concur in any resolution which would admit the right of those officers to compensation.

I am, &c.
(signed) *Winthrop M. Praed.*

(5.)—LETTER from *P. Auber*, Esq., Secretary to the East India Company, to *R. Vernon Smith*, Esq. M.P., Secretary to the Board of Control.

Sir, East India House, 26 December 1835.

I AM commanded to forward copy of a resolution passed unanimously at a General Court of the East India Company, held on the 16th instant, admitting Captains Newall, Barrow and Glasspoole to the compensation pension of 200 *l.* per annum, granted to commanders generally of the Company's late maritime service, who were in actual employ between the 28th August 1828 and the 28th August 1833, and to state, that it would afford much satisfaction to the Court of Directors, if the Board of Commissioners, upon a reconsideration of their case, should be induced to sanction the admission of these commanders to the benefit of the compensation regulations.

I have, &c.
(signed) *P. Auber*, Secretary.

(6.)—Unanimous RESOLUTION of the General Court of the East India Company, held the 16th December 1835.

At a General Court of the East India Company, 16 December 1835.

Resolved unanimously, That according to the intention of this Court in the scheme of compensation proposed by them for their maritime officers, Captains Newall, Barrow and Glasspoole are entitled to the pension of 200 *l.* per annum, granted by this Court to commanders generally of the late maritime service, who had been in actual service between the 28th August 1828 and the 28th August 1833, and that the Court of Directors be requested to take the necessary steps for paying the same accordingly.

(7.)—LETTER from *R. Vernon Smith*, Esq. M.P. Secretary to the Board of Control, to *James Cosmo Melvill*, Esq., Secretary to the East India Company.

Sir, India Board, 2 February 1836.

THE Commissioners for the Affairs of India have taken into their consideration Mr. Auber's letter of the 26th of December, relative to the claim of Captains Newall, Barrow and Glasspoole, to be admitted to the benefits of the compensation granted to the officers of the East India Company's maritime service, together with the correspondence which passed between the Court of Directors and the late Board on the same subject, in February and March 1835.

After duly weighing all the circumstances of the case, the Board cannot feel themselves justified in adopting the change of opinion now urged upon them by the Court of Directors; they are therefore compelled to adhere to the decision conveyed in Mr. Praed's letter of the 21st of March, that the commanders of the Company's own ships, who had completed the number of five voyages to which they were limited by the Court's regulations, have not been injured by the cessation of the Company's trade, and therefore are not entitled to compensation.

I am, &c.

(signed) *R. Vernon Smith.*

(8.)—RESOLUTION of the General Court of the East India Company, held 3d February 1836.

At a General Court of the East India Company, held at their House in Leadenhall-street, on Wednesday the 3d February 1836, at 12 o'clock.

THE chairman acquainted the Court that a copy of their unanimous resolution of the 16th December last, admitting Captains Newall, Barrow and Glasspoole to the compensation pension of 200 *l.* per annum, granted to commanders generally of the Company's late maritime service, who were in actual employ between the 28th August 1828 and the 28th August 1833, had been transmitted for the sanction of the Board of Commissioners for the Affairs of India, and that the Board have apprised the Court of Directors that they adhere to the decision conveyed in Mr. Praed's letter of the 21st March, that the commanders of the Company's own ships, who had completed the number of five voyages to which they were limited by the Court's regulations, have not been injured by the cessation of the Company's trade, and therefore are not entitled to compensation.

The letter from the secretary to R. Vernon Smith, esq., at the India Board, dated the 26th December last, and the letter from R. Vernon Smith, esq., in reply, dated the 2d instant, were read.

It was then, on a motion, Resolved, That all the correspondence which has passed between the Court of Directors and the Board of Commissioners, relative to the cases of Captains Newall, Barrow and Glasspoole, be printed for the use of the proprietors of East India stock.

The Court then, on the question, adjourned.

(9.)—LETTER from *James Cosmo Melvill*, Esq. Secretary to the East India Company, to Captains *Newall*, *Barrow* and *Glasspoole*.

Gentlemen, East India House, 17 March 1836.

HAVING laid before the Court of Directors of the East India Company your letter to their address, dated the 5th instant, requesting that they will grant you a certificate to the effect therein stated, I am directed to inform you, that whilst the Court must decline to grant you a certificate in the form suggested by you, they authorize me to state that you were eligible to a command in the freighted service, and that had the Company continued to trade, and you had been presented for such command, you would have been accepted accordingly.

I have, &c.

(signed) *James C. Melvill*, Secretary.

Appendix, No. 11.

Sums paid as Tax upon Teas.

Appendix, No. 11.

SUMS paid into the Company's Treasury, as TAX upon TEAS, by Captains *D. R. Newall*, *T. W. Barrow* and *R. Glasspoole* respectively, with Five per Cent. Interest added to the present time.

		£.	s.	d.	£.	s.	d.
Captain D. R. Newall	Amount of Charge or Tax -	8,209	1	1			
	Interest calculated from the several dates when the charges were realized by the Company, to the 1st April 1837 - -	4,469	3	4			
					12,678	4	5
Captain T. W. Barrow	Amount of Charge or Tax -	7,884	19	8			
	Interest calculated from the several dates when the charges were realized by the Company, to the 1st April 1837 - -	2,544	17	–			
					10,429	16	8
Captain R. Glasspoole	Amount of Charge or Tax -	8,594	2	8			
	Interest calculated from the several dates when the charges were realized by the Company, to the 1st April 1837 - -	3,506	12	2			
					12,100	14	10

The charge or tax upon that portion of the commanders' consignments of teas, which is estimated to have been laden on the privilege tonnage purchased by them from their officers, is excluded from this account.

(Errors excepted.)

East India House, 18 April 1837. *James C. Melvill.*

Appendix, No. 12.

Names, &c. of Captains of Company's Own Ships since 1815.

Appendix, No. 12.

NAMES, AGES and NUMBER of VOYAGES in Command of all Captains of Company's *own* Ships since 1815; distinguishing the Number of Voyages performed in Company's *own* Ships respectively, and Causes of Retirement, if less than Five Voyages.

NAMES.	Present Ages.	Number of Voyages in Command.		Cause of Retirement.
		Freight Ships.	Company's own Ships.	
Jonathan Birch - -	65	2	3 & parts of 2	- - not made known to the Court of Directors.
William Patterson -	64	- -	7 & part	
Frederick Adams - -	60	- -	3 & part	- - not made known to the Court of Directors.
James Jameson - -	63	5	3	- - had completed the prescribed number of voyages.
Walter Campbell - -	62	4	2	- - removed from the command by the Court of Directors.
Richard Alsager - -	54	- -	5 - -	
Peter Cameron - -	60	3	5	
John B. Sotheby - -	60	2	5	
James Pearson - -	–	1	2	died on his 2d voyage.
William Manning - -	51	- -	5 - -	
James Head - - -	–	- -	1	died on the voyage.
David R. Newall - -	48	- -	5	
Thomas W. Barrow - -	49	- -	5	
Richard Glasspoole - -	48	- -	5	
Charles Shea - - -	51	- -	4	
Bryan Broughton - -	49	- -	4	
Philip Baylis - - -	50	- -	3	- - the discontinuance of the Company's commercial charter.
Timothy Smith - -	46	- -	3 - -	
J. B. Burnett - - -	47	- -	2	
W. R. Blakely - -	47	- -	2	
John Hillman - - -	43	- -	2	

East India House, 17 April 1837. *James C. Melvill.*

R. Ritherdon.

Appendix, No. 13.

Appendix, No. 13.

Names of Candidates for Master Attendant.

NAMES of the CAPTAINS who had commanded Company's *own* Ships, and subsequently became CANDIDATES for the Office of MASTER ATTENDANT in *England* or in *India* since 1815; distinguishing those who were appointed to such Office.

Captain James Jameson:—After quitting the maritime service in 1821, became a candidate for the office of master-attendant in India.

Was appointed in 1822 to succeed the then master-attendant at Calcutta, upon the death or coming away of that officer. Took office in 1832.

Ditto:—In 1828 applied for the office of master-attendant in England.

Captain William Manning:—Quitted the maritime service in 1828, and in that year applied for the office of master-attendant in England.

This return has been made with as much accuracy as possible.

East India House, 17 April 1837. *James C. Melvill.*
R. Ritherdon.

Appendix, No. 14.

Appendix, No. 14.

Commanders of Ships, since 1792, of more than Five Voyages.

NAMES of those COMMANDERS only of the EAST INDIA COMPANY'S MARITIME SERVICE, who, since 1792, have commanded more than Five Voyages in Company's Ships; specifying how many Voyages each has commanded; and distinguishing those now in receipt of the Compensation Pension, and also those who were appointed to the Office of Master Attendant, or Director of the East India Company.

NAMES OF COMMANDERS.	Voyages in Command.	Admitted to Compensation.	Appointed to the Office of	
			Master Attendant.	Director.
Bond, Essex Henry	6			
Bradford, Edward C.	6			
Balston, Edward	7			
Blanshard, John	8			
Balderston, Thomas F.	6	admitted.		
Craig, Milliken	9			
Colnett, Richard	7			
Cumberlege, John A.	6			
Clarke, W. S.	6			director.
Christie, Alexander	6	admitted.		
Drummond, Henry A.	6	admitted.		
Dalrymple, James	6			
Daniell, Edward M.	6	admitted.		
Farquharson, James	6			
Franklin, John R.	8			
Graham, Charles	10			
Gribble, Charles B.	8			
Haviside, Thomas	6			
Hamilton, Archibald	6			
Hamilton, Montg^{e}	8	admitted.		
Hope, William	7		master attendant, Bengal.	
Hay, William	8			
Hine, John	9	admitted.		
Jones, Charles	6			
Isacke, Matthew	6			
Innes, John	7	admitted.		
Kay, Brook	7			
Lindsay, Honourable Hugh	7			director.
Larkins, Thomas, sen.	8			
Larkins, Thomas, jun.	7	admitted.		
Locke, Robert	6	admitted.		
Lynch, William	6			
Le Blanc, Charles	6			
Moffatt, William	7			
M'Leod, Donald	7			
M'Taggart, Thomas	9			
Mortlock, Charles	7			
Mayne, Charles O.	7			
Marquis, Thomas	7	admitted.		
Nairne, Alexander	8	admitted.		
Prescott, Charles Elton	6			director.

(*continued*)

Appendix, No. 14.

Commanders of Ships, since 1792, of more than Five Voyages.

NAMES OF COMMANDERS.	Voyages in Command.	Admitted to Compensation.	Appointed to the Office of	
			Master Attendant.	Director.
Pendergrass, James - - -	6			
Paterson, John - - - -	7			
Richardson, George - - -	7			
Ross, James - - - -	6			
Smith, Kinnaird - - - -	6			
Swinton, A. F. W. - - -	7			
Sandus, Thomas - - - -	8			
Sandilands, James - - -	6			
Scott, Hugh - - - -	6			
Tweedale, James - - - -	8			
Timins, Charles S. - - -	7	admitted.		
Urmston, James - - - -	6			
Wilson, Henry - - - -	6			
Wordsworth, John - - -	6			
Wilson, J. P. - - - -	6			
Welstead George - - - -	9			
Wellden, George - - - -	7			

East India House,
17 April 1837.

James C. Melvill.

R. Ritherdon.

Appendix, No. 15.

Correspondence between Captains Newall, Barrow and Glasspoole, and the Board of Control.

Appendix, No. 15.

COPY of all the CORRESPONDENCE between Captains *Newall, Barrow* and *Glasspoole,* and the Board of Control, upon the subject of their Claims for Compensation.

(1.)—NOTE from Captains *Barrow, Newall* and *Glasspoole,* to the Right Honourable Sir *John Cam Hobhouse,* bart., M. P., President of the Board of Commissioners for the Affairs of India.

Jerusalem Coffee-house, Cornhill, London,
28 December 1835.

CAPTAINS Barrow, Newall and Glasspoole, in forwarding a copy of their case to the Right honourable the President of the Board of Commissioners for the Affairs of India, respectfully beg leave to advert to the objection which appears to have been made to their claim by the late Board, on the ground that "there has been no instance of a commander having completed his five voyages in a Company's own ship, and resuming the active pursuit of his profession."

In order to show how little importance is due to this want of a precedent, it should be stated, that the Company's own service could scarcely be said to have been instituted until the year 1818, when for the first time the Company had eight ships of their own at sea. Prior to that time they generally had owned but two ships, sometimes only one; and the "Regulations established by the Court of Directors for the appointment of the commanders and officers of the Company's own ships" (a printed copy of which is enclosed) bear the date of 18 March 1818.

It was by No. 29 of these Regulations that commanders were first restricted from continuing in command of a Company's own ship for more than five voyages. Previously there had been no limitation of the number of voyages for the commanders of the two ships which, for more than 70 years, it had been the custom of the Company to own; and it should be observed, that a commander's voyage formerly produced more than treble the sum that it did of late years; that is to say, since the peace of 1815.

The Regulation No. 29 declares, "That any officer who shall be promoted in the Company's *own* service to the command of one of their own ships, be not allowed to continue a commander *in that service* more than five voyages. In the case of Captains Patterson and Adams, their five voyages to commence from the season 1817."

This regulation was enacted in order to ensure to the other officers a regular promotion, by seniority, to a command; not under the idea of five voyages being a sufficient or final provision for the commanders in question, for it left them at liberty to command a freight ship in the Company's maritime service, and the restriction to five voyages was not to act retrospectively with regard to the only two commanders to whom it applied; viz., Captains Patterson and Adams, who had previously commanded the two ships owned by the Company; the former since 1808, the latter since 1815. Their five voyages were to be reckoned from the season 1817-18. The "season" was from Christmas to Midsummer; consequently,

sequently, the ships of the season 1817-18 were at sea at the time when the "regulations" were issued, from which period the five voyages were counted.

As a term of 10 years was necessary for the performance of five voyages, this would reach the year 1828, the very year commencing the prescribed period in which active service entitles the officer to the compensation. Thus there was little more than five years (before the passing of the India Act) in which the precedent could have been formed.

But it so happened, from resignations on account of ill health, death—vacancies, and shifting the ships out of one "season" into another "season," (thus anticipating by a year the usual time of sailing,) that some few captains had completed their five voyages earlier than 1828. They were only six in number, and all are accounted for in the notes to the printed "Case;" being all either unmarried, or without families to provide for, excepting Captain Patterson, who had enjoyed the command for seven voyages, and retired from ill health; and Captain Adams, who resigned after his fourth voyage, a large fortune having been left to him. Of the remaining four commanders on this list, two of them had performed more than five voyages in the Company's own and freighted ships; and the other two commanders, whose five voyages were much more profitable than those of the parties now claiming compensation, endeavoured to obtain the lucrative post of master-attendant to the Company.

It will be seen, on reference to the notes before mentioned, that Captain Sotheby had commanded a freighted ship two voyages, and Captain Cameron for three voyages, previously to performing their five voyages in a Company's own ship. If, therefore, a precedent of a Company's own captain having commanded a freighted ship *after* he had completed his five voyages would have satisfied the *late* Board that five voyages were not considered to be a final provision, it is to be hoped that the fact of such captains having so long commanded a freighted ship *before* they had performed their five voyages in a Company's own ship, will be equally conclusive on that point in the judgment of the present Board.

The number of voyages performed by many captains in the freighted service who are now receiving the pension, is also set forth in the notes of the printed "Case," in proof of five voyages not being considered as a final provision for commanders.

On referring to the resolutions of the General Court of Proprietors held the 20th August 1834, it will be found that Captains Barrow, Newall and Glasspoole, being "maritime officers who had served in ships owned by the Company, and who had not abandoned the service, and who have been in actual employ in the service within the period of five years antecedent to the 28th August 1833," are, by virtue of these resolutions, and the official confirmation of the Board of Control dated 12 November 1834, actually entitled to the pension.

That this was the opinion of the proprietors at large, was proved by the manner in which their claim was admitted at the late very crowded General Court held on the 16th instant, when it was simply moved by Captain Newall, without any other comment than that of referring the Court to the accompanying printed case for the grounds on which it was preferred, and stating his readiness to answer any objection that could be urged against the claim. Not a single voice was raised in opposition; the claim was supported by the chairs, as well as by the most influential proprietors, (one of whom declared that "it was as plain as the sun at noon-day,") and carried unanimously; it may be added,—by acclamation.

Captains Barrow, Newall and Glasspoole, being the only three individuals within the prescribed limit of time who have not already received compensation, a confirmation by the Board, of the unanimous vote of the late General Court, will not open the door for the admission of any other claims, since their case stands alone, and perfectly isolated from those of the officers hitherto excluded in consequence of being beyond the prescribed limit of time.

Although the printed case and the memorials presented to the Court of Directors contain all the particulars of the claim, it may not be useless to point out the remarkable inconsistency on the part of the late Board in refusing the pension to Company's own commanders who had performed five voyages, while they gave it to those who had performed four, besides paying them the full value of the fifth, and, by that means, at once placing them on exactly the same footing as that upon which those commanders who had completed the whole five voyages stood. A perfect equality, as to the claim to the pension, was thus established among all the Company's own commanders within the prescribed limit of time, whether they had any unexpired voyages or not.

Believing that the present Board will be perfectly satisfied of the justice of their claim, Captains Barrow, Newall and Glasspoole rely with confidence on obtaining its confirmation of the grant. But should any doubt exist in the mind of the Right honourable President, they earnestly solicit he will grant them the honour of an interview; when they will be prepared to meet any objection he might bring forward, or to give any explanation or any information the right honourable gentleman might require.

In a case of such vital importance to themselves and their families, Captains Barrow, Newall and Glasspoole trust that their address will not be deemed intrusive; and, confident in the strength and justice of their case, and in the integrity of the tribunal before which it is to be judged in the last resort, they respectfully and patiently await its calm and impartial decision.

Appendix, No. 15.

Correspondence between Captains Newall, Barrow and Glasspoole, and the Board of Control.

(2.)—LETTER from Captains *Newall, Barrow* and *Glasspoole* to Mr. *Vernon Smith*, dated 20 April 1836.

Captains Newall, Barrow and Glasspoole present their compliments to Mr. V. Smith, and entreat his attention to the accompanying Memorial. They feel assured that the authenticated facts contained in the document will entirely remove the misapprehension which has arisen on the supposed limit of their service, and secure the admission of their claims.

Jerusalem Coffee-house, 20 April 1836.

(3.)—To the Right Honourable the President and Board of Commissioners for the Affairs of India.

The Memorial of Captains *David Rae Newall, Thomas William Barrow* and *Richard Glasspoole*,

Showeth,

That your memorialists are commanders of the late maritime service of the East India Company, and for several years served in the regular ships chartered by the Company on freight; but in 1816, on the occasion of the Company adding three other ships to the single one which they had previously owned, your memorialists entered on board those ships, which on being increased to eight in number, in the season 1817-18, became thenceforward known as the Company's own service.

That your memorialists had each performed five voyages as commanders of the Company's own ships, their last voyages being within short periods of the passing of the India Act of 1833; but they looked forward to obtain, and, had the Company's trade continued, they would have obtained, commands in the freight service, for the purpose of repairing the disappointments in some of their former voyages, which had been rendered nearly unprofitable by accidental causes.

Your memorialists now submit their case again to your right honourable Board, because considerable misapprehension has existed as to the effect of the regulations of the maritime service upon the claims of your memorialists; and, in a question so deeply affecting them, it is essential to have this removed. The Company, as traders, possessed a commercial navy, consisting partly of their own ships, and partly of regular ships chartered on freight. The officers of all these ships were persons employed by the Company, and entitled to the compensation provided by the Act of Parliament. The Company, as owners, possessed the patronage of appointing officers in their own ships; and, to do justice to the juniors, they provided that no person should command one of these vessels for more than five voyages. If in that period he did not make a competence, he would of course seek employment from some owner in the freight service. He remained an officer of the Company, qualified to serve in their commercial navy, eligible to command a regular freight ship, and ranking from his original appointment. And this was the situation of your memorialists: they were commanders in the Company's service, seeking employment, and by the Act alone are deprived of it.

The regulations of the Company's maritime service referred to are the following:—

"No. 29.—That any officer who shall be promoted in the Company's *own* service to the command of one of their own ships, be not allowed to continue a commander *in that service* more than five voyages. In the case of Captains Patterson and Adams, their five voyages to commence from the season 1817."

"No. 8.—That any commander or officer who shall quit the Company's own service, be considered entirely on the footing of officers in the freight service."

Your memorialists, therefore, are officers in the freight service, eligible to further command; and, being married men with increasing families, and their voyages having been inadequate to a provision for them, had fully intended to resume the active pursuit of their profession in that service, had it not been totally abolished by the Act of Parliament. Your memorialists by that measure lost their profession and their prospect of future employment; and they will proceed to show their title to compensation under the provisions of the Act and the regulations of the Company, and to demonstrate the entire failure of the only objection that has been urged to their claim.

By the 7th section of the Act referred to, provision was made for compensating all those "whose interests were affected by the discontinuance of the Company's trade;" and the Company, on the 20th August 1834, entered into resolutions for applying this compensation to the maritime service. The following extracts particularly refer to the cases of your memorialists.

By the first of these resolutions it was declared, "That the maritime officers of the Company who had served or were serving in ships owned or chartered by the Company, and had not abandoned the service, should be justly and liberally compensated, in consequence of the interest of such officers being affected by the entire discontinuance of the East India Company's trade; and that it would be inconsistent with the honour and character of the Company, contrary to the spirit and intention of the Act of Parliament, and at variance with the moral and equitable rights of the maritime officers, if such compensation were withheld."

The

The second resolution proceeded as follows:—"That this court, having taken into consideration the claims of the maritime officers, deems the following scale of pensions and gratuities to be no more than adequate to the just expectations of the claimants." Then follows the list of pensions, among which the first is, "For such commanders and officers as have been ten years and upwards in the Company's service, reckoning from the time they first entered the service to the termination of their last voyage, 250 *l.* per annum."

"The compensation to be awarded to *all* commanders and officers who had been in actual employ within five years antecedent to August 28th, 1833."

"Thirdly, that, *in addition* to the foregoing scale of compensation to the maritime officers of the Company, this court recommends that the commanders and officers of those ships whose contracts with the Company were unexpired should be reasonably compensated for the non-performance of the remaining voyages; and that it be recommended to the Court of Directors to make such additional allowances as may be deemed reasonable to the commanders and officers of their own ships, and to any other commanders and officers who may be considered specially entitled thereto."

The sanction of your Right honourable Board was given to the scheme of compensation proposed in these resolutions, subject to a reduction of one-fifth in amount. Your memorialists, thereupon, being "maritime officers who had served in ships owned by the Company, and had not abandoned the service," in common with their brother commanders "who had been in actual employ within five years antecedent to 28th August 1833," delivered their claims at the India House; upon which the following proceedings took place. The Finance and Home Committee made a report, to which your memorialists allude more particularly, because it was unfavourable to their claims, and states the reasons of the committee's objection.

"At a Finance and Home Committee, the 28th January 1835:

"Claims having been preferred to maritime compensation by commanders who have completed the full number of five voyages in the Company's own service, your committee submit that it never could have been intended to grant the compensation to such commanders; they having had the peculiar benefits of the Company's own service for the whole term allowed by the regulations, and there not being a single case in which a commander so circumstanced has again gone in the command of a ship."

"Your committee therefore recommend, that, subject to the approbation of the Board of Commissioners, claims for this class of commanders be deemed inadmissible."

In the foregoing report, the committee assume that "it never could have been intended to compensate such commanders;" for two reasons: First, because "they have had the peculiar benefits of the Company's own service for the whole term allowed by the regulations;" and, secondly, because "there is not a single case in which a commander so circumstanced has again gone in command of a ship." Now, as to the first ground, it is not stated in what respect, nor can it be shown that these commanders had any "peculiar benefits." If they are to be deprived of the advantages the commanders of freighted ships enjoy, they were in a worse position than those gentlemen. It was held out to your memorialists, on entering the Company's own service, that at the expiration of the five voyages they would be in the situation of commanders of freighted ships; they entered on that condition, which was guaranteed to them subsequently, in 1813, when the Company's own service was regularly established by a code of regulations; and this can only be fulfilled by awarding to them the pensions paid to commanders of freighted ships. The second reason, however, is that alone relied upon, and to which your memorialists will apply themselves.

Your memorialists will briefly notice the case of every gentleman who has commanded in the Company's own ships since the establishment of their service, for the purpose of showing that no inference unfavourable to your memorialists arises from the course taken by their predecessors in the service.

Captain Patterson commanded seven voyages in Company's own ships; the regulation, restricting a commander of a Company's own ship to five voyages "in that service," not having been passed until he had already completed three, which were not reckoned as any portion of his regulated number of five. He had, therefore, another voyage to perform when he retired on account of ill health.

Captain Jameson commanded five voyages in freight ships, and three voyages in the Company's own service; in all, eight voyages; after which he was appointed, by the Company, master-attendant in Bengal.

Captain Sotheby performed two voyages in command of a freight ship previously to five in Company's own ships, in all, seven voyages, and retired unmarried.

Captain Cameron commanded a freight ship three voyages, and a Company's own ship five; in all, eight voyages, and retired unmarried.

Captain Adams retired after his fourth voyage, having succeeded to property by the death of a relative.

Captain Alsager and Captain Manning retired after performing five voyages in the Company's own service, but immediately became candidates for the office of master-attendant. They have no families.

In addition to the foregoing, one commander was obliged to resign the command of his ship for a breach of orders, and two others died before the completion of their voyages.

It therefore appears that four of the above-mentioned commanders actually performed more than five voyages. The cases of four others are not applicable; and there remain two cases only, out of the whole number, which can be considered in any degree bearing on those of your memorialists. These two are gentlemen of large fortune, and without families; and their conduct cannot be a fair criterion for judging of that which your memorialists would

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have adopted, under circumstances precisely the reverse of theirs. It should also be observed that several commanders of the freight service, who have performed seven, eight and nine voyages, are now receiving the pension; a sufficient proof that five voyages were not considered a final provision.

The report was obviously framed on a hasty and incorrect view of the position of your memorialists. The question whether their "interests were affected" by the passing the India Act could not really have been decided by the conduct of other gentlemen, employed at a time when the profits of voyages were very different from those made more lately: the comparison was, therefore, inapplicable had it been just; but on a more careful inquiry, the facts did not warrant the conclusion come to; and on the report coming before the Court of Directors, it was negatived by them. The committee were so satisfied of this, that, with a candour for which your memorialists feel deeply indebted to them, they reviewed their report, and recommended the admission of the claims of your memorialists, "provided they furnished the required documents," and this recommendation was confirmed by the Court. Your memorialists lament that the committee did not state in their amended report the ground of their alteration of opinion, because the omission to do so allowed your Right honourable Board to be misled by the objections still unexplained of the first report, and the Board rejected the claims of your memorialists solely because they had not before them the proof that your memorialists had "been injured by the cessation of the Company's trade." These facts were not known to your memorialists till the recent publication of the correspondence. Your memorialists finding their applications to the Court of Directors for the compensation, already accorded to the officers of the freight service who were exactly in the same situation, fruitless, and not being acquainted with the obstacle arising from the opinion of your Right honourable Board, submitted the question to the Court of Proprietors at their meeting in December last, when the following resolution was unanimously come to, and your memorialists refer to it as the most conclusive and satisfactory proof that the Finance and Home Committee had mistaken the wishes of the proprietors in their first Report, when they supposed it "never had been intended to compensate" your memorialists.

At a General Court of the East India Company, held the 16th of December 1835;

"Resolved unanimously, That, according to the intention of this Court, in the scheme of compensation proposed by them for their maritime officers, Captains Newall, Barrow and Glasspoole are entitled to the pension of 200 *l.* per annum, granted by this Court to commanders generally of the late maritime service, who had been in actual service between the 28th of August 1828 and the 28th of August 1833, and that the Court of Directors be requested to take the necessary steps for paying the same accordingly."*

Under these circumstances your memorialists were totally unprepared for the late decision of your Right honourable Board on their claims; but perceiving, on the publication of the correspondence, by order of the General Court, that their compensation had been on both occasions refused on the supposed ground that they "have not been injured by the cessation of the Company's trade," they deemed it due to your Right honourable Board, as well as to themselves, to lay before you a statement, showing the grounds on which they seek compensation; viz., that they were in the situation of officers in the freight service qualified to command; that they had a certain prospect of obtaining command; that they are deprived of these benefits by the forced cessation of the Company's trade; and further, that though other commanders of the Company's own ships have not again gone to sea in freight ships, your memorialists would have done so; and that the cases of the officers so circumstanced, on investigation, are shown to be inapplicable, and do not make out the proposition contended for in opposition to the claims of your memorialists.

To enable them to substantiate these points, your memorialists applied to the Court of Directors for a certificate of their eligibility to future commands; when the Court were pleased to return the following answer:—

"Gentlemen, "East India House, 17 March 1836.

"Having laid before the Court of Directors of the East India Company your letter to their address dated the 5th instant, requesting that they will grant you a certificate to the effect therein stated, I am directed to inform you, that whilst the Court must decline to grant you a certificate in the form suggested by you, they authorize me to state that you are eligible to a command in the freighted service, and that, had the Company continued to trade, and you had been presented for such command, you would have been accepted accordingly.

"I am, gentlemen, your most obedient humble servant,

"Captains Newall, Barrow and Glasspoole." "*James C. Melvill*, Secretary."

Your memorialists respectfully request to draw the attention of your Right honourable Board to the foregoing letter, and the 8th regulation of the maritime service before mentioned, as clear proofs that the claims of your memorialists are exactly similar to those of the commanders of the freight service who have been compensated. Five of those gentlemen only were in actual employ at the expiration of the charter, and there is no one of the remainder,

* This resolution was forwarded to the India Board on the 26th December, by the Court of Directors, with a letter, stating that "it would afford much satisfaction to the Court of Directors if the Board of Commissioners, upon a recommendation of their case, should be induced to sanction the admission of these commanders to the benefit of the compensation regulations."

remainder, now receiving compensation, who can make out a stronger claim on the Company than that of your memorialists.

Your memorialists respectfully submit that the principle contended for by them has been acted on, both by the Court of Directors and your Right honourable Board; for the commanders of the Company's own ships, who had unexpired voyages, have been paid a specific gratuity, equal to the estimated value of such voyages, and a pension besides. The specific gratuity having satisfied their claims on the Company, as owners, for the breach of a specific contract, the pension is granted for the loss of future employ in the freight service; a loss equally experienced by your memorialists. For the sake of showing this, a single case will be given.

Captain Shea completed four voyages in a Company's own ship. He was paid 2,000 *l.*, the full estimated value of the fifth voyage, and he has further received a pension of 200 *l.* per annum, the compensation for his loss beyond the fifth voyage; the loss for which your memorialists seek compensation.

Your memorialists therefore trust that they have made out, by evidence of the most indisputable character, that they were entitled, after the completion of their five voyages, to go to sea in the regular freight service, and they unequivocally declare that, but for the abolition of the service, they would have gone to sea again. They have shown that the cases of their predecessors do not warrant an inference in the negative, and they offer their solemn declaration to the contrary, which has been deemed sufficient in all other instances, and which has not been doubted by the East India Company; and assuredly your Right honourable Board cannot have the slightest reason to doubt upon this point. Your memorialists also had the strongest assurance that they would have obtained commands; and they have received certificates from William Burnie, esq., Henry Templer, esq., John Fam Timins, esq., and John C. Lochner, esq., managing owners of several regular freight ships in the Company's service, that they would have presented them for the commands of such ships, had the service continued.

Your memorialists therefore confidently trust that, on a review of the case, seeing by the Company's letter of the 17th March last that they were eligible to command, that they would have sought employment, and that they had a certain prospect of obtaining command, and further, that it is the expressed opinion of the Court of Directors and Court of Proprietors that your memorialists are entitled to compensation, your Right honourable Board will not offer any obstacle to the Company granting them pensions upon the same terms as those granted to other gentlemen in the service.

Your memorialists are the only three claimants, who had been in commands within the period prescribed, who have not already been compensated, and they confidently trust that a stigma will not now be cast on them by withholding from them the pension which every other gentleman in the service, with similar prospects, has received. They have honestly, and to the best of their ability, served the Company; and now that they are deprived of their employ, if the pension accorded to others be withheld, it can only be upon grounds harsh and unjust towards your memorialists.

Your memorialists would have earlier addressed your Right honourable Board, but that, residing at a distance from London and from each other, they have not earlier been able to communicate on the subject.

Your memorialists earnestly hope that your Right honourable Board may be pleased to examine them respecting the facts herein stated. They confidently expect that, upon a full investigation of their case, your Right honourable Board will decide, as the Finance and Home Committee did, on finding their objections untenable, that there is no ground for a refusal of their claims, or for personally excepting them from the benefits of a measure of relief to individuals whose profession has been destroyed by the strong arm of power,—but for the public good.

And your memorialists, &c.

David Rae Newall.
Thomas William Barrow.
Richard Glasspoole.

Jerusalem Coffee-house, London,
19 April 1836.

Certificates from Managing Owners, alluded to in the Memorial.

"I hereby certify that, as managing owner of ships lately employed in the freighted service of the East India Company, I would have presented Captain David Rae Newall for the command of one of them, if he had made arrangements to that effect, and had the Company's trade not been abolished.

"London, 12 April 1836." (signed) "*J. C. Lochner.*"

"As managing owner of ships lately employed in the freighted service of the East India Company, I hereby certify that I would have presented Captain Barrow to the command of one of them, equally with any other officer in the service, had the Company's maritime trade not been abolished.

"London, 12 April 1836." (signed) "*William Burnie.*"

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Correspondence between Captains Newall, Barrow and Glasspoole and the Board of Control.

"I hereby certify that, as managing owner of ships lately employed in the freighted service of the East India Company, I would have presented Captain Richard Glasspoole for the command of one of them, if he had made arrangements to that effect, and had the Company's trade not been abolished.

(signed) "*Henry Templer,*
Managing Owner."

"London, 13 April 1836."

"I hereby certify that, as managing owner of ships lately employed in the freighted service of the East India Company, I would have presented Captain Rae Newall for the command of one of them, equally with any officer of the freighted service, had the Company's maritime trade not been abolished.

"London, 13 April 1836." (signed) "*J. F. Timins.*"

(4.)—LETTER from Mr. *Vernon Smith* to Captains *Newall, Barrow,* and *Glasspoole,* dated 30 April 1836.

Gentlemen, India Board, 30 April 1836.

The Commissioners for the Affairs of India have, in consequence of your memorial of the 19th instant, again taken into their consideration your claim to compensation for loss occasioned by the cessation of the East India Company's trade. They regret that they can, however, find no ground for changing the opinion expressed in my letter to Mr. Melvill, of the 2d of February, namely, that they concur in the decision conveyed by the late Board, in Mr. Praed's letter of the 21st of March, 1835.

I have, &c.
(signed) *R. Vernon Smith.*

(5.)—LETTER from Captain *Newall* to Mr. *Vernon Smith.**

Sir, Jerusalem Coffee-house, London, 30 April 1836.

Having been informed that an opinion has obtained at the India Board, "that captains of Company's own ships, after quitting them on the expiration of their term of command in those vessels, would have conceived it derogatory, and, as it were, beginning life again, to have gone in command of freight ships," I deem it a duty to myself and my absent fellow-claimants, to contradict and disprove a notion so totally unfounded.

There never was any distinction or difference of rank, pay, emolument, or privileges of Company's own and freight commanders, except that arising from seniority; so that if a commander of a freight ship and the commander of a Company's own ship were sworn in to their first commands on the same day, if the former were sworn in only five minutes earlier than the latter, the freight captain would rank as the superior officer of the other, who would be compelled to obey his orders whenever their respective ships should be in company, at sea or in port. The commodore of the Company's fleet, whose authority over all the captains was as unlimited as that of an admiral in the King's service, was in almost all cases a freight commander. Captains of Company's own ships consequently rendered him implicit obedience, and, as a matter of duty, gave precedence upon all occasions of ceremony to any freight captain senior to them, and obeyed his signals and orders at sea. These gentlemen were frequently owners of large shares of the ships they commanded.

Under these circumstances, it would have been absurd, nay impossible, for any of us to have felt it derogatory to command a freight ship; on the contrary, had we become part-owners, we should probably have advanced in our own estimation and in that of others; and so far from its being anything like "beginning life again" to obtain the command of a freight ship, such would undoubtedly have been the usual course of proceeding, had the service continued; it being the natural, and indeed the only mode of continuing to follow our profession.

The notion of any derogation attaching to such change of command would have been ridiculous, for it is prescribed by the 8th regulation of the service, and we could not be ignorant that all the Naval Directors of the East India Company—Captains Stanley Clarke, Loch, Majoribanks, Prescott, Honourable Hugh Lindsay and Shepherd—were all freight commanders.

As it is my intention not to trouble the Board again, I may, perhaps, be allowed to remark, that in the negotiation between His Majesty's Ministers and the Court of Directors, in February and March 1833, an understanding was come to, that the Government would not prevent the Company from "making provision, out of the Company's property, for outstanding commercial obligations, and for suitable pensions to the servants of the Company whose interests may be affected by the change of system." "On this point," said the Right honourable Charles Grant, in his reply, dated 14 March 1833, "I wish to observe, that the assignment of the Company's commercial property must necessarily involve also a transfer to the Government of all obligations, whether of a legal kind, or binding on the ground of equity and liberality, which may attach to that property."

The Court again adverting to this subject, addressed Mr. Grant on the 18th March 1833, as follows: "The Court apprehend that, upon no principle of law or equity could claims and obligations unconnected with the territorial government, and arising solely out of contracts

* This letter was despatched before the claimants had received the foregoing of the same date.

tracts and engagements which the Company have entered into as a commercial corporation acting under a perpetual charter, be transferred to any person or persons whatever. But be this as it may, the Court think it their duty to add, that they are convinced that the proprietors would feel the utmost repugnance to any proposal for the abandoning the interests of men who have beneficially served the Company with zeal and fidelity, and transferring them to the care of others, who, having had no opportunity of witnessing, must be unable to appreciate their services."

The Right honourable President, on the 21st March 1833, thus replied: "There is yet one topic to which, although it was, as I hope, sufficiently noticed in my last letter, I cannot, in deference to the feelings of the Court, or in justice to my own, omit once more to recur to; I mean the consideration which is undoubtedly due to the officers and dependents of the Company. In the solicitude of the Court on that head I sincerely participate; and in the arrangements respecting the future circumstances of those meritorious servants, it will be my anxious desire, as well as my duty, to co-operate with the Court in every effort to fulfil the obligations of justice and liberality."

I take the liberty of enclosing a printed copy of the correspondence wherein the passages above quoted will be found, at the leaves turned down and marked in the margin; and likewise of copy of a report of the debates at the India House, from a passage of which, also turned down and marked, it will be evident that the proprietors deemed the foregoing correspondence as pledging the Government to allow them to provide for their old and zealous servants, who would be injured by the change of system; a change which has brought upon us and our families an utter annihilation of our hopes, and severe prospective losses.

We are fully aware that the refusal of our claims has arisen from the unfounded but, until now, unexplained objections of the Finance and Home Committee respecting our case. The Directors, however, have since done everything in their power to remedy the mistake which originated with them; and we only require a searching examination of the new and strong facts we have adduced in support of our claims, to obtain a full recognition of them by the Right honourable Board, and consequently a relief from the great expense, anxiety, and delay to which we have been subjected, by the payment of the arrears of our very moderate pension, so long withheld.

Having in our memorial incontrovertibly proved that we, equally with our brother officers, were interested in the continuation of the trade, we cannot believe the Government will violate the compact entered into by them with the Company, by opposing our just claims; when in our cases alone, of all the questions relating to the maritime compensation, they have obtained the unanimous support of both the Directors and the Proprietors of the East India Company, whose old and faithful servants we are.

We should feel it a severe hardship, when others having much less claim on the Company have received the pension, if we should be compelled to abandon and to deny ourselves for the future the comforts of our present very plain and simple mode of living, which a life of continued exertion gave us some right to expect, and which, on the faith of the pension that we considered as already granted to us, we had permitted ourselves to indulge in. But this could be more patiently endured than the undeserved stigma, the unmerited reproach, which by a refusal of our claims would be cast upon us by the Government which has destroyed our profession.

We have urged our case as a dry question of right, and even in this view it is unanswerable. We might have made a parade of our services to the Company, and to India; we could have shown that, as commanders and officers, we have safely conveyed to the home treasury more than 8,000,000 *l.* sterling in value; for nearly 30 years we have cheerfully encountered a seaman's perils: we have fought—all of us have been made prisoners, and suffered tedious imprisonment, in a French prison-ship and under the power of piratical barbarians (the Ladrones)—in defence of the honour of our flag and the vast property committed to our charge; but we had yet failed to make a competence; our characters remain unblemished, and we were about to resume the active pursuit of our profession for the sake of our families, when suddenly our valuable prospects were swept away by the fiat of His Majesty's present Ministers; and yet we are refused the moderate pension which the equity and justice of our late honourable masters awarded to us, while pensions double and treble the amount are given to persons of the home establishment, whose services, compared with ours, have been insignificant and paltry.

We have been denied our pensions, under the notion that "our interests were not affected by the change." Freight commanders, within the prescribed limit, are compensated; we have shown that we went out of the freight service, into the Company's own, under the specific contract which was fulfilled, and then we returned to the freight service, under the 8th regulation of the code, retaining our seniority of rank, and all the rights, privileges, and immunities of freight captains. We do not claim any compensation for the loss of a vested interest, like those commanders of Company's own ships who had not completed their respective contracts; but, like them, and the commanders generally of the freight service, we claim the pension for the loss of future employment, of which the India Act deprived us.

The Government cannot defend the personal exception from compensation which has been enforced against us; and we confide in their justice alone to reconsider and reverse an erroneous decision.

We have the honour to be, Sir, your most obedient humble servants,

(signed) *David Rae Newall,*

For self and Captains Barrow and Glasspoole.

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Correspondence between Captains Newall, Barrow and Glasspoole, and the Board of Control.

(6.)—LETTER from Mr. *Vernon Smith* to Captain *Newall.*

Sir, India Board, 3 May 1836.

As you have already received the decision of the Commissioners for the Affairs of India on the memorial which jointly with Captains Barrow and Glasspoole you addressed to them, the Board direct me only to remark, in reference to your letter of the 30th ultimo, that, though they feel it to be their duty to take a course contrary to your pecuniary interests, they do not thereby intend in the slightest degree to cast any stigma or reproach upon you or your fellow-memorialists.

I am, Sir, your most obedient and humble servant,
(signed) *R. Vernon Smith.*

(7.)—LETTER from Captain *Newall* to Mr. *Vernon Smith.*

Jerusalem Coffee-house,
Sir, 7 May 1836.

I HAVE the honour to acknowledge the receipt of your letters of the 30th ultimo (which did not reach me till the 2d instant) and of the 3d instant; the first conveying the decision of the Right honourable Board, which has excited the unmitigated astonishment of myself and my fellow-memorialists, because we are perfectly unable to conceive on what grounds the opinion of the late Board, that we "were not injured by the cessation of the Company's trade," can *now* be supported, when we have proved the contrary to demonstration. If the Right honourable Board would be pleased to make us acquainted with the cause of our rejection, it would be a just satisfaction to us, and would remove the inconsistent and arbitrary appearance which the transaction at present wears.

I beg to state that my letter of the 30th ultimo, was dispatched 24 hours before the Board's decision of the 30th ultimo was received. On behalf of Captains Barrow and Glasspoole and myself, I beg very respectfully to thank the Right honourable Board for their prompt and handsome assurance that no stigma or reproach was intended by them in refusing our pension. We feel gratefully indebted for this mark of their justice and high feeling; but it only renders the refusal of our claims the more incomprehensible, for the question is now reduced to the smallest possible compass.

The East India Company have voted us pensions; the Court of Directors have certified that we might have gone to sea in command of freight ships; we have tendered our solemn declaration of our intention to have sought such commands; and managing owners of the first respectability have declared that they would have presented us for them; in which case the Court of Directors state we "should have been accepted accordingly."

What more can be possibly required to prove our injury by the forced cessation of the trade? If there were any doubts of these facts, or any information required, we begged that the Right honourable Board would examine us, and we respectfully protest against the rejection of our claims thus supported, and without any assigned grounds.

We have completely removed the ground upon which the late Board rejected our claim, by proving that our period of command was not limited in the maritime service, though we were obliged to remove from the Company's own ships into those of the freight service, after commanding for five voyages; that four out of seven of our predecessors actually performed more than five voyages; that one of them performed seven voyages, all in Company's own ships; that but two commanders retired after performing five voyages only, and that their case was not applicable to us, they being gentlemen of large property, without families, and who immediately became candidates for the lucrative and important situation of master-attendant.

It is therefore impossible to rest the refusal of our claims upon the same grounds as the late Board did before our case was heard and, when they were ignorant of the facts detailed in our memorial. We must repeat, that the refusal is a violation of the pledge given to the proprietors by Lord Glenelg in the name of His Majesty's Government.

We hope the Right honourable Board will not refuse to communicate to us the grounds on which we are considered not "to have been affected by the discontinuance of the Company's trade." We also solicit the favour of the documents being returned to us, which we sent in with our memorial, namely, the certificates from the Court of Directors and the managing owners.

I have the honour to be, Sir, your most obedient and humble servant,
(signed) *David Rae Newall,*
For self and Captains Barrow and Glasspoole.

(8.)—LETTER from Mr. *Vernon Smith* to Captain *Newall.*

Sir, India Board, 9 May 1836.

IN reply to your letter of the 7th instant, I have to inform you, by direction of the Commissioners for the Affairs of India, that they have nothing to add to the communications which I was desired to address to you on the 30th ultimo and 3d instant; and that the letter

letter from Mr. Melvill, the secretary to the India House, of the 17th March, and the certificates from certain ship-owners, were merely copied in your memorial of the 19th ultimo, and were not, as you appear to suppose, sent in original to the Board.

I am, &c.

signed) *R. Vernon Smith.*

(9.)—LETTER from Captains *Newall, Barrow* and *Glasspoole,* to Sir *John Hobhouse,* dated 20 June 1836.

[Note.—*This is a copy of the letter received by Sir John Hobhouse. It agrees in date, but not verbatim, with one which has been circulated in print.*]

Jerusalem Coffee-house, Cornhill,
20 June 1836.

Sir,

We are encouraged by your declaration in the House of Commons, on the presentation of our petition, "that you would not refuse again to consider our case, if any ground could be shown for so doing," and by your expression of "regret that you felt it your duty to resist the payment of our pensions," most respectfully to submit the following observations.

According to the opinion given by Mr. Serjeant Spankie to the Court of Directors, in his capacity of the Company's standing counsel, "the compensations contemplated by the Act 3 & 4 Will. 4, c. 85, s. 7, are founded on just moral considerations, though not amounting to legal claims, to be awarded to those persons whose reasonable expectations of employment and provision in life are disappointed by the abolition of the Company's trade."

We have proved that our "reasonable expectations have been disappointed" thereby; moreover that our certain prospects of commands have been destroyed; but it is objected, "that we have not made out a case of prospective loss." None of our brother commanders, who have received the pension only, have been called upon to do so. The Board seem to require from us, and from us alone, strict legal proof that we are deprived of some specific vested interest; but had we done so, we should have been entitled, not merely to the uncertain compensation depending on the duration of our lives, which is all that we claim, but to a specific equivalent gratuity;—and this, not "on just moral considerations" only, as Mr. Serjeant Spankie observes, but as a legal right.

The pensions have been granted, not for the loss of a specific vested interest, but for the destruction of our profession, and the chance, common to all commanders, of future employment; they are directed to be given to *all* who, by having served within the prescribed five years, were to be deemed as not having abandoned the service, if they signed the required declaration.

The value of the pension is not equal to the value of a single voyage, and would be no equivalent for the loss of a vested interest. We feel it hard indeed, after passing the ordeal at the India House, where the question was most minutely sifted, to find our only opponent in the Government, who forced the Company into a compromise ruinous to us, under a promise of treating us according to "equity and liberality, and to co-operate with them in every instance" relating to our compensations.

It was objected that the managing owners' certificates, in our case, are conditional, because they seem to depend upon our "making arrangements." The arrangements therein alluded to are these: as a commander of a regular freight ship was, by the regulations of the maritime service, not removeable by the owner, and had the right of presenting officers for the ship under his command, it was usual for the owner to require from the captain, before presenting him to a command, a bond in a heavy penalty, to be forfeited if he should not resign after the number of voyages agreed between him and the owner, and also present for the approbation of the Court of Directors such officers as the owner should wish to be appointed to the ship. These arrangements were of course in our power to fulfil; and as we should willingly have complied with them, the certificates are, in fact, unconditional. The date of them was also remarked upon: we could have obtained them earlier, if we had supposed they would have been required from us; but we conceived, as Lord Glenelg had done, that our declaration would have been sufficient, and that no such certificates would have been necessary. They prove, however, that we should have obtained the command of freight ships.

But it was said that "such a command was a private affair, with which the Board had nothing to do." We beg to reply, that the ships which we should have commanded were not free traders, but Company's regular ships, the captains of which were on the same precise footing, as to rank, pay and emoluments, with those of the ships owned by the Company: they were, equally with the latter, Company's servants, and both classes formed but one maritime service. The patronage in regular ships was undoubtedly given by the Company to the owners, but it was given for a valuable consideration. The price of freight was tendered by them at a lower rate in consequence, and the Company saved many thousands annually by this arrangement, which enabled the owners to promote the interests of their friends. We have been deprived of the benefit we should have derived from this privilege being delegated by the Company to our friends the managing owners, who have certified that they would have presented us for commands of their regular ships in the maritime service of the Company; and it has been expressly decided by the first resolution of the General Court of the 20th August 1834, and it was confirmed by the Board—"That it was the intention of the East India Company, evinced by the terms of the compromise entered into with His Majesty's Government, that the maritime officers who had served or were serving in ships owned or chartered by the Company, and had not abandoned the service,

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should be justly and liberally compensated, in consequence of their interests being affected by the entire discontinuance of the Company's trade." "That such compensation was one of the express conditions of relinquishing the trade, and that sec. 7 of the 3d & 4th Will. 4, c. 85, was altered and modified to admit the claims of the said officers to compensation. That it would be inconsistent, therefore, with the honour and character of the East India Company, contrary to the spirit and intention of the Act of Parliament, and at variance with the equitable and moral rights of the maritime officers, if a just and liberal compensation were not awarded to them for being suddenly and entirely deprived of the advantages which they derived from the Company's service." And the second resolution states, "That the compensation be given to *all* commanders and officers who have been in actual employ in the service within five years antecedent to 28 August 1833."

These are the conditions under which we claim compensation: are they, we respectfully ask, to be a dead letter, and a new system adopted in lieu of them? We were maritime commanders employed within the five years prescribed, and have done all that any other commander who has received the pension was required to do. In proof of this we refer to the accompanying Parliamentary Paper (No. 6), containing the particulars of the maritime compensations. It recites the resolutions of the 20th August 1834; also the confirmation of them by Lord Glenelg (then the Right Honourable Charles Grant), and concludes thus: "Resolved, That the undermentioned commanders and officers of the maritime service, having produced the necessary documents, and signed the declaration in the form prescribed, are entitled to the following amounts of compensation, agreeably to the plan lately sanctioned." Then follow the names.

We also "have produced the necessary documents, and have signed the declaration in the form prescribed;" therefore, "agreeably to the plan lately sanctioned," *we* "are entitled to the compensation;" but a distinction has been made, on our case alone, without any adequate ground.

In the report, Sir, of your speech, it was stated, "that the Court of Directors were originally opposed to our claim;" and that on the 4th March 1835, "they decided against it." We beg to say that this is a mistake. On the 4th February 1835, when the question was first put, "that the Court do approve the report," (of the Finance Committee, which was unfavourable to us,) it was lost. The committee, in consequence, reconsidered their report, and presented another, recommending the admission of our claims, which on the 18th of the same month was adopted by the Court of Directors, who as a body never did object to our claims; but, on the contrary, rejected the only report which ever threw a doubt upon them.

The compensation granted to captains of Company's own ships with unexpired voyages, was a gratuity, as an "equivalent for their privilege tonnage, at the probable market value, for the voyages which they would have performed." This principle is laid down by the report of the Finance Committee of 7 May 1834, and it was acted upon eventually in the following manner: The sums originally proposed by the Directors, as the entire compensation to Company's own captains, were from 2,000 *l.* to 5,000 *l.*, according to the number of their voyages unexpired; but before the Court of Directors could carry their plan into effect, which required a legal proof of vested interest, the General Court, considering such a test to be most unfair towards officers in a public service, granted pensions to *all* commanders who had served within five years, but recommended the Court of Directors to give such *additional* compensation as they deemed reasonable to these officers and others. On the principle that the said captains ought not to be compensated twice for the same thing, that the gratuity proposed was a full equivalent for the value of their unexpired voyages, and that the general injury for which the pension was granted by the General Court could not affect such captains until *after* the term when their unperformed voyages would have expired, the Court of Directors considered that the pension ought not to be payable until *after* that period should have elapsed; but the pension having been already granted and sanctioned by the Board, the Court of Directors enforced the same principle, by deducting the value of it from the said gratuities, "for the periods which would have been occupied in the number of voyages" unperformed by the said captains respectively, "the duration of a voyage to be taken at 15 months;" in proof whereof we beg leave to refer to the minute of the Court of Directors of 19 November 1834, contained in the accompanying Parliamentary Paper (No. 6), before alluded to.

It is clear, therefore, that the *pension* was no part of the compensation for unexpired voyages, which has been paid in the same manner as though the full equivalent sums of 2,000 *l.* to 5,000 *l.* had been paid as gratuities, and the pension had been postponed until after the period necessary for the performance of the voyages. The pension is thus awarded to these Company's own captains for the loss of their profession, their prospective loss after the termination of their unexpired voyages; for the prospective injury sustained by them in common with other captains of the maritime service who would have commanded regular freight ships. The award of the pension for life to the seven Company's own captains, in addition to the full estimated value of their unexpired voyages, made up partly of a gratuity, and partly of the value of the pension during the term required for such voyages, is therefore, we submit, an insuperable argument in favour of our claim to it.

We will now advert to the explanation given by Lord Glenelg of the intention of the resolutions of August 20, 1834, and his Lordship's official confirmation of them.

"The compensation embraced by the rules (was), in every case, to be given to those officers who should sign a certain declaration, as being included from the very circumstance that

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that they had been employed within five years, and that they were affected;" and his Lordship further states, "that the united circumstances of the declaration hitherto signed by the included officers, connected with the fact of their service within five years, is sufficient to protect the interest of the public against abuses."

This statement of Lord Glenelg is taken from the "Report of the East India Maritime Officers' Committee" of last session, in the accompanying printed copy of which his Lordship's evidence as above is marked, at p. 18, in the margin.

As the India Act and official sanction of the maritime compensations were both conducted by the noble Lord, his interpretation of them is but the explanation of his own intentions and meaning, and cannot therefore be disputed.

The plan of compensation, thus explained in a few words, on the very best authority, has been adopted by the Company and sanctioned by the Board, agreeably to and by virtue of the seventh section of the India Act; it is, therefore, part and parcel of the Act of Parliament, and we confidently submit it cannot be set aside.

But this plan has been acted upon in all other cases; and it is evidently hard and unjust, when compensation has been granted to every freight commander who has been actually at sea within the five years, on signing the required declaration, that another rule should be applied to us, who by the regulations of the maritime service are on the same footing.

We will now proceed to show that some such rule as the Board seem to have in view was originally proposed by the first plan of the Directors, but afterwards deliberately abandoned by them in their second or amended plan. On reference to the minute of the Finance Committee of the 7th May 1834, it appears that, after stating the sums which they recommended to be given as compensation to the freight captains, they proposed, among others, the following condition:—"That no claim be admissible, unless the claimant be able to produce evidence, satisfactory to the Court of Directors, that it was his intention again to go to sea; and that he would have obtained a berth in some ship built for the Company's service, and fit and likely to be employed therein, if the Company had continued to trade." The Court, at the recommendation of the proprietors, reconsidered this their original plan, and on the 5th August 1834 adopted a "Minute," containing their second or amended plan, from which we take the following extract:—

"The plan of the Court of Directors, as first framed, gave 1,500*l.* to commanders in the freighted service, with this proviso, that this compensation and that proposed for the officers should be restricted to those who had an interest in ships built originally for the Company, and whose contracts had expired; but observing that strong objections have been taken to that restriction, and being most anxious to extend the measure of relief as widely as possible, the Court of Directors will consent to the grant of the proposed compensation to *all* commanders and officers who have been in actual employ in the service within the period of five years antecedent to the 22d April 1834, upon their declaring that it was their intention to continue to follow their profession in the maritime service of the Company."

This amended plan, suggested by the Directors, was eventually adopted by the Court of Proprietors, with an extension of eight months in time, and the substitution of pensions for gratuities, except in cases of less than 10 years' total service, and of additional special compensations; but the Board now seem, in our case alone, to insist upon the original condition, which was disapproved of by the General Court, as too severe upon their maritime officers, and was actually rescinded by the Directors themselves. We submit that this would be unfair towards us; yet, after our explanation of the managing owners' certificates, unless those gentlemen are suspected of fraud, we must be deemed to have satisfied even this proviso: we think, however, we have shown that it ought not to be required of us, when it has been deemed unnecessary, and dispensed with, in all other cases.

In our memorial we have proved that the want of precedent of Company's own captains going to sea again after five voyages was only applicable in two cases, those of Captains Alsager and Manning. The former gentleman, in his evidence before a Parliamentary Committee in 1830, stated, "that he had been much more fortunate than most of his brother commanders in the service;" the latter was, up to a late period, a candidate for the office of master-attendant; and otherwise the circumstances of these gentlemen were precisely the reverse of ours; consequently, the fact of their not going to sea again was not any material objection to our claim.

That we have been five voyages in command of ships, which by the rules we were then obliged to quit, in order to make a vacancy for juniors, and to seek other commands in freight ships for ourselves, cannot be made a bar to our claims, when many receiving the pension have commanded from six to nine voyages:—In freight ships undoubtedly, but they were on the same footing as Company's own, with the single exception of seniority in promotion. Moreover, we understood you to admit in your speech, "that our former circumstances had nothing to do with the question," and "that we might have been called again into service." In addition to this, the managing owners state that they would have presented us for commands of regular Company's ships, the Court of Directors certify that we should have been accepted, and we solemnly declare our intention, which the Board do not doubt, of going to sea in command of such ships, had the Company's trade continued. Surely, then, ours is a case of prospective loss.

We may safely assume that Lord Glenelg's interpretation of the confirmed compensation plan entitles us to claim his Lordship's opinion in favour of our moral and equitable right, under that plan, to the pension. It is notorious that another of your right honourable colleagues, who holds a judicial office in His Majesty's councils, openly and publicly supported our claims, when he was a member of the Court of Directors, from the time they were originally preferred until he vacated his seat in that Court to attend to his other official

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duties. We are aware that the right honourable and learned gentleman has not since changed his opinion.

But it so happens that we are able to adduce a precedent established by the present Board, which we hope will decide our claim. Captain Mangles (the son of the honourable member for Guildford) had gone into business for a temporary purpose before the passing of the India Act of 1833. He applied for the pension; and, in reference to his case, Mr. Melvill, the secretary of the Court of Directors, states in his evidence (marked at p. 13 of the accompanying "Report") before the East India Officers' Committee of last session, before alluded to, as follows:—

"In the first instance the Directors refused to admit the claim; but upon a further application they admitted it; subject, however, to the opinion of the Board of Commissioners for the Affairs of India; and their opinion was, that the officer in question, having subscribed the declaration, should be admitted. The Board's decision was dated 30th April 1835."

Captain Mangles, in common with every other commander who has received the pension, was compensated, though he had embarked in another pursuit, on declaring it was his intention to resume his maritime service by commanding a regular freight ship. Surely the principle of equal justice requires that we, having made the same declaration, and having certain prospect of commands, should be admitted to compensation on the same terms.

If the Board should not yet be satisfied by these new and strong facts, which we adduce in support of our claims, we again beg to be allowed an interview, when we feel confident that, by a *vivâ voce* examination, all doubts upon the subject would be entirely removed.

Our places of residence are situated widely apart from each other, and distant from London; at the farthest extremity of Norfolk, in the west of Gloucestershire, and the south of Kent. If, notwithstanding the delay, the anxiety, and the heavy expense to which we have been subjected,—notwithstanding our expectations have proved correct, that the late Board would not have refused our claims in their present form, though we had no information of their opinion when we so expressed ourselves in our letter to Lord Glenelg,—notwithstanding we are supported unanimously by the Courts of Directors and Proprietors, by the evidence of managing owners, gentlemen of unimpeachable integrity, extensive influence and great wealth, and by the clearly expressed opinion of Lord Glenelg, who pledged the Government not to thwart, but to co-operate with the Company in every instance of such cases as ours,—if the Board, notwithstanding all these concurrent circumstances, the clear arguments in our favour, and their own correct decision in Captain Mangles' case as a precedent, require us to bring witnesses from the country to prove our intentions of resuming active service, we are ready and willing so to do, either at the India Board or before a Parliamentary Committee.

But we do hope and trust that we have now sufficiently established our moral and equitable right to compensation; and that the Board, in consideration of our evident prospective loss, in being deprived of our profession and of a certain command, had the Company's trade continued, will save us from this heavy and unnecessary expense, in addition to many others of serious amount which we have incurred in urging our just claims, and will sanction our admission to the benefit of the compensation plan, on the same terms as our brother commanders.

We have the honour to be, with great respect, Sir,
Your most obedient and humble servants,

(signed) *D. Rae Newall.*
T. W. Barrow.
Richard Glasspoole.

(10.)—NOTE, which accompanied the Letter from Captains *Newall, Barrow* and *Glasspoole* to Sir *John Hobhouse*, of 20 June 1836.

Sir John Cam Hobhouse is respectfully entreated, in the name of eternal justice, to peruse the enclosed statement himself. If the right honourable baronet will do this, the long harassed claimants have no fear of the result. The Emperor of Russia recently, at the instance of the Earl of Durham, reconsidered and granted an individual's claim, often refused during 19 years, and once rejected on an appeal in the last resort to the Emperor himself. Sir John will not do less in the present case. If he find his former objection no longer tenable, he will assuredly grant relief.

(11.)—LETTER from Captains *Newall, Barrow* and *Glasspoole* to Sir *John Hobhouse*, dated 16 July 1836.

[Note.—*This is a copy of the letter received by Sir John Hobhouse. It agrees in date, but not verbatim, with one which has been circulated in print.*]

Jerusalem Coffee-house, London,
16 July 1836.

Sir,

After the interview which you did us the honour to grant yesterday, we consulted together; and hope you will generously excuse us for troubling you with the following observations, which our anxiety and fear of giving any interruption prevented us from stating personally.

It

It appears to us, Sir, that you are under an impression, that,

1. Though no regulation existed prohibiting captains, whose term of their particular command in Company's own ships had expired, from commanding regular freight ships afterwards, yet it was understood to be improbable.

2. That captains who commanded Company's own ships had not an equal right and prospect with captains of freight ships to further employment (in freight ships) after five, or any other number of voyages; and that extra pay, tonnage or emoluments were attached to the command of Company's own ships.

3. That five voyages were sufficient to produce a competency; that we must therefore have obtained it, and had not positively intended to have commanded freight ships, if the service had continued.

But we respectfully, yet firmly, declare the contrary to be the facts of our case; and we submit the following reasons for your consideration:—

1. We rest our claim upon the actual loss, the positive injury, we too well know that we have sustained, by being deprived of our certain prospect of further employment as captains of regular freight ships.

2. We are not men of fortune, as we have heard it has been stated; and the disappointment of further employment falls heavily upon us and our families; moreover, the conviction that the pension was not only due to us, but had been absolutely granted, led us into pecuniary engagements which we should have avoided had we imagined that the pension could have been denied to us: these, together with the heavy expenses incurred in publishing our case and being forced to appeal to Parliament, have naturally proved most harassing to men of our very limited income. We were justified in believing the pension to be ours, because our compensation was fixed, in pursuance of the India Act, by the resolutions of the East India Company of the 20th of August 1834, and the letter of Lord Glenelg, dated 12th November 1834, which, on being read in the General Court, the chairman, Mr. St. George Tucker, declared, "that the official sanction being given to the scale of compensation, with certain modifications and reductions, it was now the law of the land;" and a Parliamentary Paper (No. 23), printed 9 March 1835, by order of the House of Commons, which recites the above-named documents, is thus entitled: "Proceedings of the General Court of Proprietors and the Court of Directors of the East India Company, approved and confirmed by the Board of Commissioners for the Affairs of India, *fixing* the Compensation to be granted to Owners of Ships with unexpired Contracts; also to Commanders, Officers and others lately belonging to the Maritime Service of the Company, whose Interests are affected by the Discontinuance of the Company's Trade."

Moreover, in the debate upon the special cases of excluded officers in the General Court of the 16 December last, Mr. Wigram (the Director) said, "The rule, when once adopted by this Court, and sanctioned by the Board of Commissioners, was to be considered as part of the Act of Parliament, and was to be deemed final and legal."

3. We were, in the year 1816, officers of freight ships, who then entered into Company's own ships: after quitting them, we were precisely on the same footing as the freight captains; and No. 8 of the Regulations of the Maritime Service states this.

4. It was distinctly held out to us in 1816, that we should have the right to command freight ships after performing the five voyages promised to us in Company's own ships.

5. We do not claim the pension under any idea that the seven captains commanding Company's own ships at the passing of the India Act (Captain Barrow having just before been paid off from the eighth ship owned by the Company) have received the pension without sufficient ground to entitle them to it; for we shall presently prove that it was their just due; but because the pension was properly awarded to them, not by the Court of Directors, who had nothing to do with the grant, but by the Court of Proprietors, for their loss of further employment after their promised voyages should have expired. On this ground we feel ourselves entitled to the pension also; and even more fully than these seven gentlemen were; for ours was an immediate loss, theirs a remote one.

6. The gratuities for the unexpired voyages of both Company's own and freight captains, for there was no distinction made, are absolutely the full value, by exact estimation of those voyages, "calculated at the probable market value of their privilege tonnage," as appears by the minute of the Finance and Home Committee of 7 May 1834. When, therefore, you are pleased to say that you consider the gratuities were not sufficient, you are distinctly opposed in opinion to the Court of Directors, who were so well convinced that they were fully an equivalent for such voyages, (taking into account the advances of the money, and the chances of human life against completing any specified number of them,) that the Court of Directors actually *deducted* from the gratuities originally proposed by them "the value of the pension during the periods which would have been occupied in such voyages," as they state in their minute of 19 November 1834. The reason of this was, that the *pension* was not intended to be any portion of the remuneration for unexpired voyages, but for the loss of further employment after they would have been completed. Had the court of Directors ever doubted the right or the prospect of those captains to such further employment, it was in the power of the Court to have diminished the gratuities by the amount of the full value of the pension; but the course which they adopted, of deducting only the value of that portion of it which was to be payable "during the periods which would have been occupied by the (unexpired) voyages," seems to us a clear proof of the Court's correct judgment, as well as of their acknowledgment both of the right and the prospect of such further employment belonging to those captains; and, on the other hand, that the gratuities were not too small; because, in that case, the Court would not have deducted anything; they might even have enlarged them,

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for the General Court left that part of the question entirely in the hands of the Directors, and approved all their proceedings relating to the special or additional compensation, without the slightest alteration in any one instance. Had the Court of Directors even given 9,000 *l.*, instead of 5,000 *l.* only, for five unexpired voyages, and in proportion for a less number, and there had been no pensions given to those captains receiving such gratuities, it would have created an additional immediate expense of nearly 40,000 *l.*, for there were thirteen captains to be so compensated. Even were this to be done now, our best titles to our pension would remain, viz., the grant to the other captains of the maritime service, with whom we are in every respect on the same footing; and the positive injury we have sustained, in common with them, in being deprived of our profession, and the benefit of our connexion, which would have ensured us further employment in that profession, had the Company's trade continued. It was for this injury that the compensation was granted to us, as the first resolution of the General Court of 20 August 1834 clearly states; and this was the ground upon which the service claimed it, as the succeeding paragraph will show.

7. A memorial was on the 30th July 1834 presented by the maritime service; upon which the Court of Directors founded their second or amended plan of general compensation to all within the five years, and which is thus alluded to in the Court's minute of 5th August 1834: "The Court of Directors have attentively considered a memorial signed by Captain Probyn, on behalf of the service."

From that memorial we beg leave to quote the following passage:—

"From the regulations of your service your memorialists were alone eligible to stations in the Company's regular ships, while in the general commercial navy of the country they have not even a fair prospect of competing with others. They have not only lost a profession in which they had graduated, and in which they expected to find a provision for life, but they have lost a connexion by which their interest in that profession would have been insured. This is the ground of your memorialists' present claim; all the service sustain the loss of profession and connexion, and it is in respect of this loss that they ask for compensation."

8. We are unable to conceive on what grounds five voyages in Company's own ships can be considered to bar our right to further employment, or compensation for the loss of it, any more than the same number of voyages in freight ships. In the former we were exposed to one important disadvantage; viz., the interest of the owners generally procured the privilege of double voyages for their regular freight ships, leaving the much less profitable direct voyages for the most part to us who commanded Company's own vessels; and a reference to the East India Shipping Register would prove that three fourths of the Company's own went direct voyages, and more than three fourths of the freight ships went double voyages, for several years in succession during the latter part of the Company's charter. We must also remark, that captains who have commanded from five to nine voyages in regular freight ships, and have realized six and seven times more than we did in the service, are now receiving the pension.

9. We do not understand why the course pursued by other persons, who did not go to sea again from some peculiar causes, can be any ground for refusing our pension, or can in any manner affect our claims, who positively would have gone, and who are really and seriously injured by the discontinuance of the Company's trade.

10. The limitation of our particular command to five voyages was analogous to a regulation in force in the Royal Navy at this hour, which limits the term of a captain's employment in one of His Majesty's ships to three years; after which he is paid off, to allow some other officer to commission the ship he has just quitted. But neither in one case nor in the other was the regulation intended to debar such captains from future employment. In our case such a regulation would be grossly unjust, because freight captains were, by the Company's regulations, absolutely irremovable, except by their own consent, so long as the ships they were once sworn into the command of should remain in the Company's service, which was frequently for nine voyages, sometimes for a longer period, and never less than six voyages.

11. Some time was absolutely necessary to arrange our affairs after the various transactions of five voyages; but Captain Newall, who had been longest out of active service, owing principally to domestic events, had actually engaged his former purser to accompany him again in that capacity. Captain Glasspoole had remained at home but one season only before the India Act passed; and Captain Barrow was scarcely paid off from his last voyage before the Bill was brought into the House of Commons, when it would have been evidently absurd to have made any preparation for continuing in a service by that Bill doomed to destruction. No ship belonging to Captain Barrow's season ever went to sea again in the Company's service.

12. Being in every respect in the situation of freight captains, as the certificate of the Court of Directors proves, we respectfully submit that we are entitled to the benefit of the precedent established by the present Board in Captain Mangles' case, who had not been in active service for more than four years before the passing the India Act, his last voyage ending 16 months previously to Captain Newall's; and we may fairly put the fact of his going into business before the passing of the Act against that of *other* Company's own captains not going to sea again before the same period. Admitting that there might be a *primâ facie* presumption against both Captain Mangles and ourselves, we hope that we have, like him, removed by fair explanation the objection which the peculiar circumstances had raised.

We cannot conclude without referring to the conversation you so candidly mentioned as having

having taken place between yourself and Sir James Carnac. We are convinced that it could not be his intention to represent the feeling of the Court of Directors to be unfavourable to our claims, for both Sir James and the late chairman spoke in our favour at the General Court of the 16th December last, and we extract the following brief reports of their speeches from the "Asiatic Journal" of January last, in reference to the motion re-awarding the pension to us:—

"The chairman (Mr. W. Stanley Clarke) said, he apprehended no gentleman who had read the papers would imagine that the Court of Directors were hostile to the motion (Hear). That court had made the requisite representation to the Board of Control; but the members of that Board had, not without some difference of opinion, rejected the claim. If the Court of Proprietors adopted the present motion, it would be the duty of the Court of Directors to report their vote to the Board of Control, upon whom it would probably have some influence. (Hear.)"

"The deputy-chairman (Major Carnac) said, he trusted that the Court of Proprietors would be unanimous in rendering justice to these officers. The Board of Control had not been unanimous; and he had therefore no doubt that when the unanimity of all parties in that court was properly represented to the Board, their wishes would be fulfilled."

The present deputy-chairman, and the right honourable the judge advocate-general (both when a director and since), have always supported our claims, as we have learned from themselves.

We refer again to the letter of the Court of Directors, dated the 26th December last, which states, in reference to the unanimous vote of the General Court in our favour, "It would give much satisfaction to the Court of Directors if the Board of Commissioners, upon a reconsideration of their case, should be induced to sanction the admission of these commanders to the benefit of the compensation regulations."

In addition to these clear testimonials in favour of our claims, Sir James Carnac told us, on waiting upon him and delivering a printed copy of our memorial, after we had presented it to the India Board, "that it would have been more advantageous to us, and, he apprehended, more regular, if we had transmitted our memorial through the Court of Directors, who would, in that case, have sent it up to the Board with some comments in our favour."

We conceive, therefore, that there is some mistake, which would probably be explained if you would kindly mention the subject to Sir James, at your next meeting with the honourable baronet.

We have a much stronger claim to the pension than even the captains of Company's own or contract ships with unexpired voyages. This is evident, from the fact of those officers being actually prevented from reaping any benefit from the grant of the pension until after the time necessary for the fulfilment of those voyages; thus making it a deferred annuity in their case, while our loss of immediate employment was, by the resolutions of 20th August 1834, and the letter of Lord Glenelg dated 12th November 1834, as well as by the special vote of the General Court of the 16th December last, and the letter of the Court of Directors of the 26th of that month in support of it, to be compensated by the present award of the pension to be payable to us from the date of the expiration of the Company's charter, in the same manner as it was to freight captains, included in the plan of compensation.

If any three officers included in that plan have a claim (to the pension) superior to the others, we venture to say that we are those individuals; for we have been the direct servants of the Company, and have had commands during the least profitable part of the charter; but, had the trade continued, we had a better prospect of future employment in the regular freight ships than by far the greater proportion of our brother officers, in consequence of our connexion and interest with our friends the managing owners.

Therefore we beg leave to declare that our claims are too well founded to be the subject of any compromise, as was suggested, of course with the kindest intentions, by the noble lord at the interview. Feeling our moral and equitable right to the same amount of pension as that which our brother officers who have sustained the same prospective loss now receive, we are convinced, that our claim once established to your satisfaction, you would be the last man in existence to wish any reduction in our very moderate compensation.

We have endeavoured, Sir, and we hope successfully, to remove your objections by a statement of facts, and by reference to official documents, which bear out every allegation and every argument we have advanced; and we feel confident that you will not allow a former decision, given under a misapprehension of some important circumstances of our case, to weigh with you, or deter you from doing us justice; and therefore we are sanguine of your recognition of our claims.

If, in any portion of our communications, there should occur the slightest appearance of a want of the deference and respect which is due from us to a gentleman of your rank and station in His Majesty's councils, we can assure you, Sir, that such omission is unintentional; and we claim your indulgence in this respect, Sir, for the deficiencies of men who, although accustomed to contend with the elements, have had but little practice or experience to acquire the accuracy and refinement expected in correspondence with statesmen.

As you have been pleased, Sir, to promise that you would look through the papers again we earnestly entreat your attention to our last letter, dated the 20th ultimo; delivered, with the printed Parliamentary Papers accompanying it, at your residence in Berkeley-square;— and to the foregoing observations.

Appendix, No. 15.

Correspondence between Captains Newall, Barrow and Glasspoole, and the Board of Control.

We trust, Sir, that you will bear with us in this anxious intrusion upon your valuable time; for, however trivial, except in point of principle, our claims may appear to a cabinet minister, they are of vital importance to us and to our families.

We have the honour to be, Sir, your most obedient and humble servants,

(signed) *David Rae Newall,*
T. W. Barrow,
For self and Captain Glasspoole.

Appendix, No. 16.

Appendix, No. 16.

Statement of the Service of Captain Mangles.

STATEMENT of the Service of *Charles Edward Mangles*, on Board the following Ships employed by the East India Company.

	Ships' Names.	Season Outward.	Station.
First voyage - - - -	Marquis Huntley -	1811	Midshipman.
Second ditto - - - -	Henry Addington -	1813	Sixth mate.
Third ditto - - - -	Marquis Huntley -	1815	Fifth mate.
Fourth ditto - - - -	Marchioness of Ely	1817	Fourth mate.
Fifth ditto - - - -	- ditto - -	1819	Third mate.
Sixth ditto - - - -	- ditto - -	1821	Second mate.
Seventh ditto - - - -	- ditto - -	1823	Commander.
Eighth ditto - - - -	- ditto - -	1825	- ditto.
Ninth ditto - - - -	ditto - -	1827	- ditto.
Tenth ditto - - - -	—	—	—
Eleventh ditto - - -	—	—	—
Twelth ditto - - - -	—	—	—

Entered as midshipman of the Marquis Huntley, 1811.
Left, as commander Marchioness of Ely, 4th July 1829.

R. R.

Declaration.

(Declaration.)

Gentlemen,

I, Charles Edward Mangles, do hereby declare that I had not, previously to August 1833, quitted the maritime service of the Company, for the purpose either of retiring from it or of following any other pursuit; and that if the Company had gone on trading in common with the public, it was my intention to continue to follow the maritime profession in that service.

I am, &c.

To the Honourable Court of Directors of the East India Company.

(signed) *Charles E. Mangles.*

Appendix, No. 17.

Appendix, No. 17.

Papers relative to the Case of Captain Mangles.

PAPERS relative to the Case of Captain *Mangles.*

Sir, East India House, 5 February 1835.

Having laid before the Court of Directors of the East India Company your claim to participate in the maritime compensation, I am commanded to acquaint you that as, previously to August 1833, you had entered upon business as an agent in London, the Court cannot consider you entitled to the compensation.

I am, &c.

Captain C. E. Mangles. (signed) *P. Auber,* Secretary.

Sir, London, 9 February 1835.

Having conscientiously signed the declaration prescribed by the Directors, and sanctioned by the Board of Control, I did not deem it necessary to enter into the particular circumstances of my case; but as from your letter, under date the 5th February, it appears that the Court of Directors of the East India Company are not disposed to recognise my claims to maritime compensation, I beg to submit the following statement for their consideration.

At the termination of the contract voyages of the "Marchioness of Ely" in the year 1829, I, with the view of continuing in the command, and in conjunction with the other owners, retendered that ship to the East India Company, as can be shown by their public records.

Our tender having been unfortunately rejected, it was considered advisable to break up the ship, and my command was in consequence taken from me.

It must therefore, I conceive, appear clear that the position in which I then stood was very different from that of a person voluntarily resigning his command in the Company's service, for the purpose of following any other pursuit.

That I subsequently began business as a matter of necessity rather than of choice, as I could not afford to remain idle, and was in fact the consequence, not the cause, of my being obliged for a time to withdraw from the service of the East India Company.

That

That my entering into business was a temporary arrangement between my brother and myself, and undertaken more with a view of present employment, and as guarding against the contingency of the non-renewal of the Company's Charter, and not as a permanent employment, will appear by the accompanying certificate. I beg also to forward a letter from my late managing owner, Mr. O. Wigram, in proof of the assertions contained in my letter.

I have, &c.

P. Auber, Esq., &c. &c. &c., Secretary E. I. House. (signed) *Charles E. Mangles.*

My dear Sir, Crosby-square, 9 February 1835.

In answer to your application, I have no hesitation in stating, that when I tendered the ship Marchioness of Ely (in October 1829) for an additional voyage in the East India Company's service, it was with the view of promoting your interest; and I should have been happy to have appointed you to the command of her had she been taken up.

I am, &c.

Charles E. Mangles. (signed) *Octavius Wigram.*

27, Austin-friars, 6 February 1835.

I hereby certify that my brother, Captain C. E. Mangles and myself, entered into business as East India agents more as an experiment than as a permanent measure; and that there was a clear understanding between us, that should my brother hereafter obtain the command of a ship in the service of the honourable East India Company, I was to carry on the business alone as long as he was so employed.

(signed) *Frederick Mangles.*

Sir, East India House, March 1835.

App^{d} F. & H. Com. 27 Feb. 1835; read in court, and ordered to lie for consideration 27 Feb. 1835; negatived by ballot in court, 18 March 1835.

Having laid before the Court of Directors of the East India Company your letter dated the 9th ultimo, I am commanded to acquaint you that the Court see no reason to depart from the opinion expressed in my letter of the 5th ultimo, regarding your claim to compensation.

I am, &c.

Captain Mangles.

At a Court of Directors, 18th March 1835.

The Court resuming the consideration of the draft of a letter to Captain Mangles, declining to depart from their former decision with respect to his claim to maritime compensation, and the same being again read,

It was moved, That this Court approve the said draft of letter; and the question thereon being put by the ballot, it passed in the negative.

At a Finance and Home Committee, the 20th March 1835.

The Court not having approved of the draft of a letter proposed to be sent to Captain Mangles, adhering to their decision, that having been in business in London he was not entitled to participate in the compensation to maritime officers; your committee recommend that Captain Mangles be admitted to the annuity of 200*l.* from the 22d April 1834, subject to the approbation of the Board of Commissioners for the Affairs of India.

At a Court of Directors held on Friday the 20th March 1835.

Resolved, that with reference to the Court's decision of the 18th instant, on the draft of a letter proposed to be sent to Captain Mangles in respect to his claim to participate in the compensation to maritime officers, Captain Mangles be admitted to the annuity of 200*l.* from the 22d April 1834, subject to the approbation of the Board of Commissioners for the Affairs of India.

Sir, East India House, 27 March 1835.

A question having arisen as to whether Captain C. E. Mangles, who has produced the certificates, and made the declaration required by the rules for the grant of compensation to the maritime service, but who appears, previously to August 1833, to have entered upon business as an agent in London, should be admitted to participate in the compensation, the Court of Directors have taken his claim specially into consideration, and they have resolved that he be admitted to the annuity of 200*l.* from the 22d April 1834, subject to the approbation of the Board of Commissioners for the Affairs of India.

A copy of the Court's resolution accompanies this letter, and I am commanded to request that the same may be submitted for the Board's approbation accordingly.

I have, &c.

W. M. Praed, Esq. (signed) *P. Auber*, Secretary.

Sir, India Board, 30 April 1835.

In reply to your letter of the 27th ultimo, I am desired by the Commissioners for the Affairs of India, to inform you, that as the Court of Directors have satisfied themselves of the truth of the "declaration" made by Captain C. E. Mangles, the Board are of opinion that the annuity mentioned in the Court's resolution of the 20th ultimo, may be granted to him.

I am, &c.

Peter Auber, Esq. (signed) *R. Vernon Smith.*

Appendix, No. 18.

Correspondence respecting Captains Newall, Barrow and Glasspoole.

Appendix, No. 18.

CORRESPONDENCE respecting Captains *Newall, Barrow* and *Glasspoole.*

(1.)—LETTER from certain Managing Owners of Ships in the Freighted Service of the East India Company to *R. Vernon Smith,* Esq., M.P., Secretary to the Board of Control.

Sir, 124, Bishopsgate-street, London, 10 March 1837.

HAVING recently learned, from unquestionable authority, that the cause of the refusal of the Board of Control to allow the East India Company to pay to Captains Newall, Barrow and Glasspoole the compensation pension so often awarded to them, is that the Board are of opinion that our certificates leave it doubtful whether we should have presented them for commands of our regular ships in the service of the East India Company, we beg leave to state, for the information of the Board, that we would have done so had the service not been abolished.

In our certificates, we alluded to two points: First, the unfounded notion that managing owners of freight ships would not employ captains who had performed five voyages in the Company's own service, when the regulations obliged them to quit, in order to give promotion to subordinate officers; and, secondly, the general arrangements to be made. What we meant by the latter was, that the captains should present officers of our selection, and resign the command after a certain number of voyages; points usually stipulated on giving the command. Captains Newall, Barrow and Glasspoole have stated that they would have bound themselves to observe these arrangements, and we should have felt much pleasure in presenting them to the command of our freight ships, as friends for whom we have had a great regard, and being officers of high character, professional skill and great experience.

Captain Barrow is now desirous of obtaining the command of a free trader; but his want of connexion with private owners, and their well-known objection to employ commanders who have served only in ships in so high a state of equipment as those of the Company's late maritime service, render it improbable that he will succeed. We ourselves possess no shipping now. The regular ships in the Company's service, of which we had seven, were built and chartered according to Act of Parliament; they were a species of property totally different from private merchantmen, and only two of the East India managing owners now sail their ships as such.

It is perfectly true that there was no engagement between us and these gentlemen before the passing of the India Act, but this was because the negotiations which preceded it had become public long previously, and prevented everybody from thinking of any further employment in the service. This took place about two years after Captain Newall's last voyage, during which interval serious domestic events deterred him from going to sea; Captain Glasspoole had been returned only a few months, and Captain Barrow was not paid off from his last ship at the time. But for this event, we have no hesitation in stating that they would have obtained employment from us in the freight service of the Company.

The Court of Directors have given a certificate that Captains Newall, Barrow and Glasspoole were eligible to future employment in the freight service, and that if they had been presented for commands they would have been accepted. We state that we certainly would have so presented them, and they solemnly declare, in the form prescribed by the Company and the Board, that they intended to go to sea again as such commanders. It therefore appears to us clearly evident that they "have been injured by the cessation of the Company's trade," and fall under the compensation regulations.

The fact of their having commanded for five voyages in a Company's own ship ought not, in our opinion, to affect their claim: because their future prospects and intentions are all that the India Act and the compensation regulations refer to. We have no interest but that of justice in this matter; it is one we are perfectly conversant with, and we hope that our explanation will remove the objection of the Board, whose opposition to the claim of these deserving officers has subjected them to much suffering and most serious expenses.

We have, &c.

(signed) *William Burnie.* *J.F. Timins.*
Henry Templer. *J. C. Lochner.*

(2.)—LETTER of *James Cosmo Melvill,* Esq. Secretary to the East India Company, to Captains *Newall, Barrow* and *Glasspoole.*

Gentlemen, East India House, 16 May 1837.

I HAVE laid before the Court of Directors of the East India Company your letter, dated the 10th instant, and I am commanded to inform you in reply, that, if the Court's proposition to admit to the benefits of the plan of compensation commanders of the Company's own ships who had completed five voyages within the prescribed period, had been adopted, you would have been admitted under the declarations which you have subscribed.

I am, &c.

(signed) *James C. Melvill.*

Captains Newall, Barrow and Glasspoole.

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REPORT

FROM THE

SELECT COMMITTEE

ON

STEAM COMMUNICATION WITH INDIA;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1837.

Veneris, 9° die Junii, 1837.

Ordered, THAT a Select Committee be appointed to inquire into the best means of establishing a Communication by Steam with India, by way of the Red Sea.

Sabbati, 10° die Junii, 1837.

Committee appointed—

Sir John Hobhouse.
Lord William Bentinck.
Sir James Graham.
Mr. Robert Gordon.
Mr. Sidney Herbert.
Mr. Hutt.
Mr. Mullins.
Lord Viscount Sandon.
Mr. William Crawford.
Sir Charles Adam.
Sir Thomas Troubridge.
Mr. George Frederick Young.
Mr. Williams Wynn.
Mr. Bagshaw.
Mr. David Barclay.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the Committee.

Lunæ, 12° die Junii, 1837.

Ordered, THAT the Committee have power to adjourn from place to place.

Jovis, 15° die Julii, 1837.

Ordered, THAT the Committee have power to report the Minutes of Evidence taken before them, from time to time, to the House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the best Means of establishing a Communication by Steam with *India* by way of the *Red Sea*, and to whom the several Petitions upon that subject were referred, and who were empowered to report their OPINION and the MINUTES OF THE EVIDENCE taken before them;—HAVE, pursuant to the Order of The House, examined the Matters to them referred, and have agreed to the following REPORT:

THE sudden termination of the Session having deprived Your Committee of the opportunity of that full investigation of the subject which it might otherwise have received, it is with some diffidence they present to The House the impressions which the valuable and important Evidences brought before them, and to which they beg leave to call the particular attention of The House, has produced upon their minds.

Your Committee have learned with much gratification that arrangements have been entered into between Her Majesty's Government and the East India Company for the establishment of a Monthly Communication by Steam from Suez to Bombay, and they hail with satisfaction the liberal spirit in which the Court of Directors have met the propositions of Her Majesty's Government for thus affording a direct intercourse with one portion of the Continent of India, and facilitating a communication for Letters with all the Presidencies.

That inasmuch as, in the opinion of the witnesses who have appeared before Your Committee, a direct communication by Steam from the Red Sea to Ceylon, Madras and Bengal, would be practicable at all seasons of the year by the employment of vessels of adequate tonnage and power; and as, under judicious arrangements, such extended establishment would appear to offer a prospect of an adequate return for the increased outlay, by the conveyance of Passengers, and of some valuable articles of Merchandize, which cannot be expected from the limited communication with Bombay alone; Your Committee feel bound to recommend a continued and zealous attention to the subject on the part of Her Majesty's Government and the East India Company.

But strongly as Your Committee are impressed with a sense of the advantages, Political, Commercial and Personal, which would arise from the more extended system of communication, they would earnestly deprecate any interruption of the valuable arrangements now in progress, with which it appears to them, from the Evidence adduced, to be perfectly compatible.

15 *July* 1837.

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MINUTES OF EVIDENCE.

Martis, 13° *die Junii*, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Sir J. Hobhouse.
Lord William Bentinck.	Mr. Mullins.
Mr. R. Gordon.	Lord Sandon.
Sir James Graham.	Sir T. Troubridge.
Mr. D. Barclay.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

A Petition of several Bankers, Merchants, Manufacturers and others, from Birmingham, in favour of the proposed measure, read.

Mr. *Thomas Waghorn*, called in; and Examined:

Mr. *T. Waghorn.*

13 June 1837.

1. *Chairman.*] WILL you hand in the statement which you have prepared upon this subject?—

[*The following Statement was then handed in, and read by the Witness.*]

"London, 71, Cornhill, 13 June 1837.

"To the Right Honourable Lord William Bentinck and the Members of the Steam Committee, in the Red Sea, appointed by Resolution of the House of Commons, 9th June 1837.

"My Lord and Gentlemen,

"My name and pursuits are doubtless known to each of you. I leave England to-morrow for Egypt by way of Marseilles, encharged by the East India Company and the India Board in that quarter for the establishment of steam communication between England and India by way of the Red Sea.

"Many writers, especially of late, have endeavoured to give the public information, by their prolific ideas, about this said steam intercourse; had they not done so, and thereby confused instead of throwing light on the subject, the writer would not have troubled your Lordship and the Committee with this letter at his departure. The Honourable Court of Directors of the East India Company and the India Board have already sent out orders to the Governor-general of India to place the Hugh Lindsay steam vessel between Suez and Mocha, to carry mails, passengers, &c., and the Atalanta and Berenice steamers between Mocha and Bombay, according to the original Resolution of the House of Commons of July 1834, for effecting steam intercourse with India by this route: besides which, much also is in progress by these authorities. That much is done, and more, much more, will be done by them in due course; and it will be for your Lordship and the Committee to care fully search out the cheapest and most efficient way of enlarging and improving this same steam intercourse on the most comprehensive scale, and carrying it to the three presidencie of India.

"My opinion is fixed; it is as follows: That so long as there is that perfect understanding between the English and French Governments, that the route by Marseilles is the quickest, cheapest, and consequently the best that can be devised; for nothing can be better than the present organized system for the transmission of India letters, &c. by the French steamers every ten days between Marseilles and Alexandria, and *vice versâ*; unless I might suggest that Government messengers should journey through France, to and from, on these vessels carrying the confidential despatches of the Government to and from Egypt; the private letters passing, as they now do, every day (Sundays excepted) through the channel of His Majesty's and the French post-offices. The passengers will all be

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delighted at this route, having no longer to fear crossing the Bay of Biscay in winter on their way to and from India. Having thus fixed the English line by way of France, during peace, I now go to the other side of the isthmus, and propose that two steam vessels should ply constantly between Suez and Mocha, having a third in ordinary at Mocha to take the place of either steamer in case of a break-down. These three steam vessels should be all of the same size, and about 550 tons burthen; the third one with only engineers in charge. Six more steamers, each of 850 tons, are required to perfect the communication from Mocha to all India, as follows: three of these steamers should go between Mocha and Calcutta, touching either way at Socotra for fuel when necessary, and anchoring at Trincomalee and Madras a certain number of hours for the delivery and receipt of everything going to or coming from any of the above places; another of these steamers in ordinary, with engineers only, should lay at anchor in one of the two bays of Socotra, to serve as a floating depôt, and when there is a break-down on the Calcutta line, this vessel can take the place of such break-down: two steamers should be given to the Bombay government, to be disposed of as it may think fit. My own opinion is, that these two vessels should not attempt the passage direct from Bombay to Mocha from the 15th of May to the 15th of September, during which four months wind and sea are dead against them; and should they attempt it, and in attempting it break down, they will have to sail all the way back to Bombay, and thus the Bombay communication will be interrupted until the other vessel takes the mails, &c. on a second time; and should she also fail, both the Bombay steamers will be knocked up in opposing the violence of the south-west monsoon. Should it be proposed to send the Bombay steamers to the south, to make their passage the same way as the Calcutta steamers, I say, in reply, that the mails, &c. had better be taken to Trincomalee during that short period, to be forwarded by the Calcutta steamers, thus avoiding the risk of sending two vessels over the same ground, in face of the south-west monsoon, during the prevalence of which the number of passengers from India is much less than at other periods of the year. In the other eight months, Bombay will possess advantages over Calcutta and Madras, owing to its proximity to Mocha, which will allow of a greater number of trips from and to that place than between it and Calcutta; for be it understood that the Bombay and Calcutta steamers should ply as often as possible between those places and Mocha, by which simple plan the Indian government will have only to calculate on taking and carrying the mails to and from Mocha, (instead of Suez,) where they will find mails and passengers from England always in waiting for them. If, however, Bombay could be brought to join the other line at Trincomalee, it would be much more economical in every point of view. I am aware of the difference of opinion on this point at Madras, Bombay and Calcutta, and have therefore to the best of my ability divided the six steamers of 850 tons burthen, giving two of them to Bombay, in case they are determined to pursue their own particular views: this, I think, is the most reasonable remedy which your Lordship and the Committee will discover, in endeavouring to find out a plan to please all parties and each presidency. Having thus as briefly, and at the same time as explicitly as is in my power, laid before you my own final views and opinions as to the number of steam vessels and their different stations, I now proceed to the next important details (leaving out all minor ones) bearing on the same subject.

"First, as to the depôts for fuel: Mocha should be the grand depôt between all India and Suez; Socotra should also be a depôt; and coals should be sent from England direct to those two places, as also to Bombay, Trincomalee and Calcutta, by way of the Cape of Good Hope; the coals for Suez and the Red Sea above Mocha should be conveyed to Alexandria, and there discharged from the vessel which brings them, into an iron flat boat built expressly for the Nile, and towed by a small steam tug to Cairo, whence they are conveyed in 48 hours on camels' backs to Suez, from which place they can be shipped to Jidda, &c., if wanted, by the native boats of the Red Sea. Conveyed as above, the coals will cost, from the pit's mouth to Suez, 3*l.* per ton, and this may in time be reduced to 2*l.* 10*s.* The delivery in tons weight, at the above-mentioned ports, of thousand tons of hand-picked dry Welsh coal should be contracted for by tender; of course including every item of expense incurred before their safe delivery as above.

"Many will object to sending coals to Calcutta, when there is plenty of Burdwan coal there. My answer to them is, that that coal is not economical to burn in steamers for long sea voyages, as it is 35 per cent. under quality of Welsh coal, and as it chokes up the flues, from its extra soot and smoke, in half the time that Welsh coal does: therefore Burdwan coal will only do for short stations and local purposes on the rivers and coasts of India.

"In writing the above, I am considering myself as charged with the execution of placing coals, mails, passengers, &c., from Alexandria to Suez, &c. At Mocha, Major Read, or some other officer, being military, should be forthwith established as the military resident of the Honourable East India Company, for many reasons. Again, Englishmen (being nautical men) should be fixed at each of the following places; viz., Alexandria, Cairo, Suez, Jidda and Cosseir, whose duty it would be to act as packet agents at those places. The admiral in India will be the best channel for making the necessary arrangements at Socotra, and he may probably station a small man-of-war there to promote and effect that object.

"My Lord, and Gentlemen of the Committee, be assured that every facility which the ruler of Egypt can afford will be given to this measure between Alexandria and Mocha, and

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and also that the writer will be alive to every interest that may arise progressively; and be further assured, that after the steam vessels are properly placed, this steam communication will maintain itself, except the original cost of steam vessels for the purpose from time to time. My Lord, and Gentlemen of the Committee, I am convinced that this great and most important object will experience at your hands all the care and research which it requires; I trust also, that in considering these my opinions on the subject, which has ever stood foremost in my mind, the 12 years of devotedness which I have spent in forwarding it will have some weight with you. I now again leave England in debt, and if anything nerves me on to pursue this matter with energy, it is the conviction that your Lordship and the Committee will not let my past and present labours in the cause go unheeded, but will hand them over to the House of Commons embodied in your resolutions. At the same time my mind is preyed upon by the consideration that I am suffered to go unrewarded by His Majesty's Government, whose duty it is instantly to remove that want of rank which, in an eastern country like Egypt, so strongly detracts from my better usefulness. My Lord, and Gentlemen of the Committee, I have the honour to remain, with undiminished devotedness to the India steam object,

" Your most humble servant,

" *Thomas Waghorn.*"

" *P.S.* My opinions in detail on minor matters connected with the foregoing have been fully detailed to Mr. Secretary Melvill, at the East India House. See also the reference sheet attached.

" *Thomas W.*"

Explanatory Plan.

" I HAVE all along, till latterly, thought that Galle would have been the best place for the final departure of steamers from the coast of India to the Red Sea; but after a most diligent search into that matter, I now find Trincomalee preferable, because it is the naval arsenal of His Majesty's fleet in India; consequently greater facilities can be afforded there than at Galle, at one half the expense: morecver, during peace, the vessels of war under the orders of the admiral on the East India station could be well employed, barring more urgent duties, in carrying mails, &c. On the arrival of the steamer at Trincomalee from Mocha, a vessel of war might sail on with the China mails to Singapore, whence they would be conveyed to Canton by any merchant vessel, and where letters would be found waiting, from Canton, to be conveyed by the vessel of war on its return to Trincomalee. By this means a much more speedy communication with China is provided than can otherwise be devised, until the merchants of China have themselves steam vessels to Trincomalee, of which I do not despair a few years hence. Again, another vessel of war should from time to time lay at Socotra, whose captain should be our authority there; he could yield great general assistance to the steam vessels there; and it would be a matter of deliberation for the directors of the East India Company, whether their own naval force in India should in time of peace be placed under the orders of the admiral on that station, for this and other purposes.

" I now beg to offer a few pointed remarks on the tracks which should be followed by steamers navigating between Mocha and the continent of India during the north-east and south-west monsoons.

" First, as to the north-east monsoon. Steamers of the size I have mentioned would go from Trincomalee to Mocha in that monsoon by wind and steam, without a stoppage, easily in eleven days; at Mocha they might stop three whole days, thoroughly cleaning their machinery and flues, and taking in coals for the return voyage; then they should return to Trincomalee, on their way to Calcutta, stopping at Socotra for coals on their passage.

" In the south-west monsoon, steamers should finally leave Trincomalee with only their foremast up, storm-fore-try-sail sheeted amidships set, and steam away southerly, within four points of the wind and sea, till they get to the line, where they will generally find light winds and calms, and sometimes a fair one; on arrival at the line, they should keep steaming due west, till they find Socotra bear from them N.N.W.; they should then get their mainmast up, and shape away their course directly for it, and they will often, by wind and steam, reach it on the 12th day. From Socotra they could sail all the way back to Calcutta, without steam, touching as before at Trincomalee and Madras. In the north-east monsoon, I expect to hear that the steamers have often sailed, and not steamed, from the continent of India to Socotra.

" These vessels should be capable of being changed from steamers to sailing vessels, and *vice versâ*, within six hours, according to circumstances; and if the admiral in India has the direction of them, they will be capable of the change in that short space of time, as each steamer should be fitted with a pawle wheel, so that on taking off the six lower paddle-boards, the iron part only would be pawled in the water, which would not impede the vessel in sailing more than one half-knot per hour. Let there be only a good understanding between the Governor-general and the admiral, and I will answer for it that the most economical as well as the most useful system for steam intercourse that can be devised will be adopted. Should a mercantile company ever be employed to carry on the communication betweed Suez and India, that should also be under the orders of the admiral.

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"Mauritius could receive mails, &c. by the dispatch of a vessel of war, until they have a steamer of their own there; and perhaps 1,000 soldiers, instead of 4,000, would then be deemed sufficient for all military purposes at that island. The saving of expense of 3,000 men thus effected would more than pay for the expense of keeping up two steam vessels instead of one, employed so usefully for all the best interests of that island.

"As soon as this same steam intercourse works well, many of the overgrown military depôts in India will also be pared down. And as, my Lord and Gentlemen, we grow into more sociality with our Indian subjects, there will be no occasion for fear, in a military point of view; for as we improve India, we shall wield the ploughshare instead of the sword.

"Gratitude from the people of India to happy England will predominate with them, instead of prejudice; and, my Lord, in after years, the then East India Company will have cause to exult in the establishment of this the greatest boon that ever was granted by one country to another. This, with other points, tending to make Egypt also a great nation, will flow out of the steam intercourse with India; indeed everything great and advantageous must flow from it to England; Egypt, India and other parts of the eastern world will be raised in the scale of nations, thereby strengthening the political and other influences of Great Britain. I have not yet said anything about the winds and weather in the Bay of Bengal; on that I have only to suggest, that the captains of steam vessels should go as near the Coromandel coast as possible, for smooth water; this applies to both monsoons; as it often blows half a gale in the centre of the bay, whilst it is quite light in-shore; thus, much wear and tear, as well as hazard, is saved to steam vessels."

2. The last time you were in Egypt you had an opportunity of seeing, I believe, a good deal of the Red Sea, had you not?—Yes.

3. What opportunity had you?—Repeatedly being on it.

4. Between what places?—I have been between Suez and Cosseir, carrying mails myself; and altogether I have been five times up and down the Red Sea.

5. To Mocha?—To Mocha.

6. What is the distance between Suez and Mocha, and Cosseir and Mocha, do you remember?—The distance between Mocha and Suez is 1,040 miles.

7. And Cosseir?—Cossier 260 miles less.

8. And what difficulties are there in going?—There are no difficulties whatever for steam navigation during every month of the year.

9. You are supposing in the Red Sea?—In the Red Sea.

10. Between Mocha and Suez?—Between Mocha and Suez there is no difficulty in steam navigation.

11. What is the prevailing wind?—The prevailing winds are north, during 11 months of the year.

12. And between Suez and Cosseir, for what length of time are the prevailing winds?—Nine months in the year between Suez and Jidda; in fact, northerly winds generally prevail in the Red Sea.

13. During any part of that period do those northerly winds blow with very great violence?—Occasionally they blow with violence, when the sun shines the hottest; it applies to that season of the year when the sun has most power; they get up as the sun rises, and go down as the sun goes down.

14. Will the steamers make against that?—They will make most way at night.

15. Can they make way in the day, when the wind blows with this particular violence?—It never blows with such violence as that a steam vessel cannot go against it.

16. Sir *John Hobhouse.*] When you speak of a steam vessel, you mean a steam vessel of a certain size?—I am speaking of a vessel built for the purpose, of 550 tons, or something of that size.

17. *Chairman.*] There are no gales in the Red Sea, are there?—There are gales occasionally, but very trifling, for a very short duration.

18. Is that north wind in the Red Sea equal to the south-west monsoon at its greatest height?—No, it is not half so bad, because the south-west monsoon blows strong for a week together, and the gales in the Red Sea are never known to blow above two days or three.

19. Sir *J. Graham.*] Is there much swell?—The sea soon goes up, and soon goes down; perhaps sooner than in any other part.

20. The north wind prevailing for 11 months in the year, what difference would there be during those 11 months in a passage between Suez and Mocha, with the wind favourable, and from Mocha to Suez?—In speaking of the 11 months, that 11 months was between Suez and Mocha, and then nine months between there and Jidda.

21. What would be the difference in the passage southward from Suez to Mocha,

Mocha, as compared with the passage northward from Mocha to Suez; what would be the difference in point of time?—There would be a day and half difference on the average.

22. Not more?—Never more.

23. Lord *Sandon.*] There would be a greater consumption of fuel, of course?—Coming up, the steam vessels would often sail from Suez down to Jidda, and very likely to Mocha.

24. Sir *J. Graham.*] Both the shores are shoals, are they not?—It is an iron-bound coast, and a steam vessel should never approach the shore when she can avoid it.

25. There are shoals on both sides, are there not?—Yes.

26. The said channel is the only course for safety?—It is a fair good channel for the British navy.

27. What may be the width of that channel?—From 100 miles down to two miles; it is only two miles a short distance through the Straits of Juba.

28. Has that sea been accurately surveyed?—As accurately surveyed as it can be.

29. Are there any dangers in the mid-channel?—No dangers but what are known in the mid-channel.

30. Which is the last survey of the Red Sea?—The one just now made.

31. In the fair course between Suez and Mocha for a steam vessel are there many dangers, are they numerous?—The only part of the Red Sea that she could not go through at night with safety, is a small part called the Straits of Juba; and if it was not a dark night, she could go through there.

32. Excepting those straits that you have mentioned, the rest of the channel may be considered a channel from 80 to 100 miles wide, at deep water?—Yes.

33. And safe at night for steamers running?—And safe at night for steam vessels of any size.

34. Lord *Sandon.*] Has the Hugh Lindsay ever made a passage against the north wind?—Often.

35. Sir *J. Graham.*] And the difference has not been greater than what you have mentioned between the north and south voyage?—We find they are generally two days less going down to Mocha than up to Mocha.

36. Lord *Sandon.*] And you do not consider the Hugh Lindsay the best calculated steam vessel for that navigation, do you?—I think she is the worst steam vessel.

37. Sir *J. Graham.*] What is her horse power?—The Hugh Lindsay was built in 1829.

38. What is her horse power?—She has two 80-horse power.

39. And what is her draught when full of coal?—I should say it would be 15 feet of water; but they build vessels now, to carry the same burthen she carries, drawing only 10 feet.

40. Mr. *D. Barclay.*] And how many days is she going from Suez to Mocha?—About seven days; a good steamer should do it in five.

41. Mr. *Mullins.*] Are there no greater difficulties between Suez and Cosseir than between Cosseir and Mocha?—There are no greater difficulties, though it requires a little more care, as I said before, in going through the Straits of Juba.

42. Those are the only difficulties?—The only ones.

43. Sir *T. Troubridge.*] Is it a regular tide?—No; the current changes with the wind.

44. Sir *J. Graham.*] When you recommend two steamers for the actual duty between Mocha and Suez, and one in reserve, how frequently do you contemplate the voyage being made?—They will go, taking mails down from England, every 15 days.

45. The two in actual employment, and the one in reserve?—They will do it easily every 15 days.

46. Now in case of accidents occurring to any of those three steamers, to their machinery, where is the repair to be made?—If ever Trincomalee is established as the grand depôt for steam vessels, there should be a station at that place for steam vessels, and a steam vessel in the Red Sea that was partly worn out might take the mail on to Trincomalee, and return upon such occasions, carrying the mail, to take her place again.

47. Sir *John Hobhouse.*] From what place?—Suppose we say a steamer in the Red Sea wanted repair, if she comes up to Suez, we can send engineers to repair

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her; but if she wants new boilers, we will take the mail all the way from Suez to Trincomalee, and she can have her new boilers, and then take the mail back instead of the proper steamer coming; they may change places.

48. Sir *J. Graham.*] If a steamer making the northern passage, and struggling against the northern wind, broke down on her voyage to Suez, where would the repair be made to the machinery?—At Mocha. At Mocha sometimes there would be three or four steam vessels together, and if a job wanted to be done to those three or four steam vessels, the engineer would do it himself.

49. Adopting your general plan, at how many places would you contemplate the necessity of having an establishment for the repair of steam-engine machinery?—At Trincomalee, and no other place.

50. Not at Mocha?—Not at Mocha, not at Suez; anything wanting to be done can be sent from Cosseir to be done; I should have them all look to Trincomalee, take a mail when likely to break down, and so have her repaired in time; it would be easy for the captain to write to the admiral, saying she wanted repair.

51. Mr. *Mullins.*] Have you ever considered whether it would be advisable to have an establishment at the Island of Camaran?—It is altogether useless; there is a bar which prevents ships of large draught going to it.

52. Are you aware of the opinions that have been given on that subject by the officer who commanded in the late survey?—I am aware, I believe, of the general opinions upon steam matters, for I read them all; but there is no facility at Camaran, and I cannot imagine why Camaran has been thought of; there is not a boat on the place, and hardly the means of living; the people live on the fish they catch; the place does not produce dates enough to maintain its own starving population: Mocha is a place containing 40,000 people; Mocha is the place for everything: you must take places where there are facilities.

53. Sir *J. Graham.*] Are there scientific engineers at Cairo?—There are; they repair the Pacha's steam machinery; he has got English engineers on board his steam vessels, and English engineers in charge of his factory. I could send Mr. Hill, and other men of science, at an hour's notice, from Cairo, to repair the vessels at Suez.

54. Though in the first instance the Pacha might give every facility for the establishment of this intercourse through his territories, if at any time he became hostile to it, and imposed a condition, he would be master of that communication, would he not?—I have heard him express himself that he would never oppose the English Government in anything.

55. But if he changed that intention, would he not be entire master of everything?—I do not think such a thing is ever likely to happen.

56. Any ruler of Egypt who changed his disposition might put a stop to it, might he not?—The Pacha clearly perceives it is to his interest to support this kind of thing; therefore he is the last man, or those who follow after him, who would be likely to throw any impediments in the way of this.

57. There would be a strong feeling both at Suez and Alexandria upon the subject?—In all the ports over Egypt.

58. The large expenses consequent upon travelling would recommend to the people of that country this channel of communication?—It has that effect already; there were 150 passengers passed through Egypt last year, who spent a great deal of money in horses, camels, and journeys to the desert, and in fact they were spending a great deal of money.

59. Have you reason to think they will be satisfied with that indirect advantage, and that a tribute will not be exacted?—There will be no tribute exacted; you are as free as you are here.

60. No port dues either at Alexandria or Suez?—No such thing is heard of as taxes there, except the grant tax of everything—the Pacha: but I pay no taxes; I have a house at Cairo; and there are no port dues at the entrance to the Red Sea, and no expenses of any sort.

61. No dues of any kind exacted at either port?—No; I do not think the Pacha would ever dream of putting on dues at either place.

62–3. Mr. *D. Barclay.*] You can have no security that dues will not be made?—I think, if a valuable cargo passes through Egypt, the Pacha will put a transit duty, the same as we do here through a turnpike-gate on a good made road; the Pacha, in putting this transit duty, insures it; he is to answer for it;

and

and he is answerable from the time it leaves the country to the time it gets there; and merchants would be glad to pay the transit duty.

64. Sir *James Graham.*] Is the communication between Alexandria and Suez perfectly secure?—With respect to the transit duty, I have two or three times spoken to the Pacha about it; and I have said, whenever your highness does tax it you must tax it low, and I think half per cent. will be enough.

65. Apart from the question of taxation by the government, is there security as relates to banditti or robbers?—I can find anything that is lost or mislaid, from Alexandria to Mocha, and I insure every passenger's luggage now who has luggage; there is no such thing as anything being lost or stolen in Egypt; because if they steal it, they must be found out; they do not require such articles for themselves, and they cannot dispose of them; therefore there is no inducement to steal; if a passenger was to drop his luggage, it would be brought to the English consul at Cairo; and if not brought, a messenger would be sent out by the Pacha, who would very soon recover it.

66. Is money valueless in Egypt?—Money is very valuable.

67. *Chairman.*] Are there no bands of robbers in that part at all?—No; wherever the Pacha's rule extends, robbery is put down.

68. Mr. *Mullins.*] Have you not been just stating, as well between Kennah and Cosseir as between Cairo and Suez?—Between all places under the Pacha's rule.

69. Both those places are of course under his rule?—I am not speaking of Syria.

70. Sir *James Graham.*] As to the security of Mocha, do your observations extend there?—That is under the Pacha's rule.

71. The imposts at Mocha are no greater than at Suez or Alexandria?—There are no duties at Mocha at all, except for the native vessels; the English flag exempts vessels from paying duty.

72. Might not that evasion lead to some new regulation of necessity?—I think not.

73. Is it not a complete sacrifice of all revenue, the extension of that immunity?—The principal things that those ships bring to the Red Sea are pilgrims, and those pilgrims that come not under the British flag pay the tax, and therefore that is the reason why those ships have changed their colours.

74. And if that immunity becomes general, and the use of the English flag universal, the tax on pilgrims will cease?—It is an illegal tax, the tax on pilgrims.

75. Sir *John Hobhouse.*] How do you mean illegal?—The pilgrims themselves bear the right of the Turkish authorities at Jidda to tax them; and it was only laid on two years ago, by the governor of Jidda, that is, the Pacha; there is nothing English that is taxed; I may go on to say, I believe, it is a religious tax for some repairs of the holy building.

76. *Chairman.*] What is the average width of the passage between the Straits of Juba and Suez?—At Suez, of course, the sea ends and comes to a point.

77. Between Suez and Juba, what is the average width of the passage?—It gradually gets larger till the channel comes to about 22 miles.

78. Is there any strong current down the Red Sea?—Sometimes there are trifling currents in the Red Sea, but no currents at any time that can be called strong ones.

79. Mr. *Mullins.*] Do you mean to assert that there is no greater difficulty in steaming in the upper part of the Red Sea, between Juba and Suez, than in the southern parts, in consequence of the force of the current?—No difficulty whatever in the Red Sea respecting currents.

80. I thought you said, this moment, that there were in the upper part?—I was asked the breadth of the passage, not the currents; I said they were trifling currents.

81. Does not the wind blow with greater force between Suez and the Straits of Juba and Cosseir, than between Cosseir and the southern parts of the Red Sea?—It does not blow with greater force; the very fact of the Hugh Lindsay having been nine times up and down the Red Sea without any physical difficulty, is enough of itself, without entering into any further inquiry about the Red Sea; my own opinion is, that Mocha is the best place that can be found in the Red Sea, and the only depôt required.

82. Lord *Sandon.*] Are you well acquainted with Camaran?—I am.

83. You have been there?—Yes, dozens of times; I am now going to illustrate why Camaran is not a proper place.

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84. *Chairman.*] I think you had better come and look at the chart?—I know the chart without looking at it; I know Camaran very well.

85. Sir *T. Troubridge.*] You have stated already that it is good for nothing?—Yes.

86. *Chairman.*] How many feet of water are there on the bar?—Fourteen feet; and I have known three of the Pacha's ships wind-bound for three weeks there, with an expedition on board; they could not get over that bar to Mocha; the sea on it made the water less, and when it was still there was water enough to go over; there is 14 feet of water, and that is sometimes reduced to 12.

87. Sir *T. Troubridge.*] Are those soundings in feet or fathoms?—Generally in fathoms; there are breakers close to it; there are some places in the Red Sea where I have known a vessel's stern to be 60 fathoms, and her bow on the shore.

88. Sir *J. Graham.*] Does that apply to the mid-channel?—No; I am speaking of the great depth of water; there is no place in the world where the water becomes so deep or a shoal so soon; it is like a stone wall.

89. Sir *T. Troubridge.*] Is there only one entrance to Camaran?—There are two entrances to Camaran.

90. Is not the second more easy than the other?—The second entrance may be more easy, but you will have to go a very tortuous round.

91. Sir *J. Graham.*] How often have you been there?—Eight or ten times.

92. And stayed there some time?—The reason why Camaran has been thought of, perhaps, is on account of the good water there is there.

93. How long have you ever stayed there at one time?—I have been there three or four days.

94. And have you always seen breakers on the bar?—Not always; the breakers get up with the sea.

95. Are you quite sure there is a bar?—There is a bar; the thing is illustrated by the Pacha's ships waiting for water to go over.

96. Have your ever sounded?—You do not require to sound in the Red Sea by daylight at all.

97. Have you ever sounded on the bar at Camaran?—I have never sounded on the bar, there was no occasion for it.

98. Then you do not know what the depth of water on the bar is?—I do know the depth of water by general report; and in fact, when I have been going over it, I have looked over the side and seen the depth; you can always see the depth.

99. Does the bar extend across the entrance entirely?—Completely across.

100. Mr. *Mullins.*] Do you mean to assert there is no channel, not even a narrow one?—There is a channel, but it is not more than 12 feet, if that can be called one.

101. Sir *T. Troubridge.*] What is the rise and fall of water?—Two feet; a vessel would have to wait, as the Pacha's ships did, till the water subsided to allow them to go over the bar.

102. Lord *Sandon.*] Is there good water at Mocha?—Not very good water.

103. Is there an abundance for the use of steam vessels?—An abundance for everything.

104. Mr. *Mullins.*] How many days does it take to go from Mocha to Socotra?—Three days, sometimes four.

105. Mr. *D. Barclay.*] Is not Socotra a very unhealthy place?—It is said so; it was so at one time; we have at times had unhealthy seasons in England, and you might as well say England was unhealthy, on account of the influenza which prevailed here a short time ago.

106. Sir *John Hobhouse.*] Then you do not mean to say that it is an unhealthy place?—No; and when a man-of-war has laid up there six weeks, they tell it is not; if our ships of war were to leave the East Indies because it was unhealthy, it would not be thought that they were acting very right, I imagine.

107. *Chairman.*] Respecting the traffic, have you ever heard an opinion expressed by the merchants in Egypt respecting the probable traffic that will grow up in consequence of the establishment of a regular steam communication with India?—It would be great indeed.

108. I am not asking what is your opinion, but have you heard what is their opinion upon the subject?—Yes; and they are all watching and expecting the thing at Mocha, and expect to derive very great advantage from steam intercourse.

109. Sir *J. Graham.*] What is the traffic anticipated?—Everything, from the coast of Africa; all will come to Mocha, if it can find a market.

110. What do they expect to send to India, and what do they expect to receive from India?—Elephants' teeth, gold dust, gums; half the gums that are called Arabian gums are not so, they are African gums.

111. Is this what they will send to India?—It is.

112. I would ask, would they send, in the natural course of trade, elephants' teeth from Mocha to India?—They would send them to Egypt.

113. From Mocha to Suez; I was asking you what they would send from Mocha to India, and what they would withdraw from India to Mocha, in this anticipated trade?—I am not merchant enough to go into those points; I can only say that there would be a tremendous collection of African goods, which would find a ready market through Egypt.

114. Do they use opium at Mocha?—Scarcely any; all the Turkish opium will go on the steamers to India: I have already had letters from Paris, from persons asking me when they were to write to send their Cashmere shawls, and other articles of value, by that route.

115. By Mocha?—By that road, and so through Egypt, Marseilles can receive valuable articles from Bombay in 30 days; Cashmere shawls in large chests, worth 20,000 *l.*, or 30,000 *l.*, or 40,000 *l.*, in 30 days; who dreams that they would go round by the Cape of Good Hope.

116. *Chairman.*] Have you considered that articles from France would go?—Yes.

117. Is that the opinion of the merchants in Alexandria?—A great house at Paris have written to me to say, that they have written to their Bombay agents to send their Cashmere shawls by that route.

118. Will anything go from France by steamers?—Everything will go by steam vessels; all the printed papers of a valuable description, all books in which the gain of time is a profit, will go; even book packages from London will find their way through France by the diligence. The French steamers carry a pennant, and they take everything.

119. Sir *J. Graham.*] Will France be content that we should be the carriers from India to Alexandria, and to charge our profit upon so carrying?—The French will make their own charges through France; they make their own charges by their steam vessels, and it is a source of great profit to them. I question very much the expediency of allowing the French steam vessels to get all this great income which must arise from carrying from Marseilles to Egypt, and I think it will in due time be a strong point for the English Government to consider, whether they will not have their own steam vessels between Marseilles and Alexandria; there is no more difficulty in it than there would be in the French having their steam vessels at Bombay to carry their passengers to Calcutta.

120. Does France import direct from India?—Yes, great quantities of indigo, in their own ships.

121. Mr. *Bagshaw.*] You know, Mr. Waghorn, indigo goes exclusively from Calcutta to France?—I know it does.

122. Will you tell me what the rate of freight is by way of the Cape of Good Hope?—Now, the rate of freight for indigo is 7 *l.* a ton.

123. Now tell me what is the insurance by way of the Cape of Good Hope; two and a half per cent., is it not?—I do not know about insurances, I am not a mercantile man.

124. How much would the freight be from Calcutta by steamers up the Red Sea, then to be carried on camels across the desert to Cairo, then to Alexandria, and then trans-shipped, with the Pacha's transit duty, to Marseilles; combine all these, and tell me whether you think it at all probable that any indigo will go by that route?—I will explain to the Committee how it will, and I think that I shall carry conviction to all, and that you will be all satisfied it will; there are three months of the year when sailing vessels can go from Calcutta to Suez in 30 days, with ease.

125. Sir *J. Hobhouse.*] Which months are they?—From the 10th of October to the three following months; that is, in 30 days; they can go in five days down to Alexandria, and in ten days more they are in France; the gain of time upon that indigo will, in my opinion, cause it to have a command in the market when it is particularly high, and letters will go out sometimes directing things to be sent by that route; it would be matter of mercantile calculation.

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126. Mr. *D. Barclay.*] I ask you what the cost will be; can you calculate the cost of the conveyance of indigo from Calcutta; can you calculate the charge?—My opinion is, that although the charge would be a little more by the route of Egypt, still that would be more than compensated for by the gain of time; there are certain articles, coffee for instance, going a short distance, would command a greater value in the market than going a longer distance, because it arrives in a more marketable state, there is more essence in it.

127. Mr. *Bagshaw.*] The age of coffee constitutes its better quality, you know?—It does, that is the fact.

128. Sir *James Graham.*] When you say you expect, after the first commencement of the establishment of the packets, and the prime cost is incurred, that the profits on it will defray the annual charges, does that estimate rest on the supposition that indigo and other commodities will pass by this channel from France to India, or is your estimate formed with reference to passengers only, and without regard to goods?—My estimate is formed in this way; that everything that will pay by the cwt., instead of the ton, will go by steam vessels, which steam vessels, in that navigation, should set apart from 40 to 50 tons for cargo; vessels that carry mails in England set apart so much for carrying cargo, to make them pay, and we have only to follow the same course to make the Red Sea line pay.

129. What would you include in those articles, besides coffee, indigo and shawls?—Silks from China, China toys, pearls, opium, and many other valuable articles will go by this route; of this I am positive and sure.

130. Your estimate is formed on that basis?—My estimate is formed on allowing a certain portion of the ship, 30 or 40 tons, to be set apart for carrying valuable cargoes.

131. Mr. *Mullins.*] Would you suppose a vessel of the tonnage of 550 tons could reserve so large a portion as 40 tons for the purpose of carrying a cargo, looking to the larger quantity of coal she must take?—She could set apart 50 tons for the purpose.

132. Sir *J. Hobhouse.*] Has the Hugh Lindsay ever carried any cargo?—None.

133. Are you aware how many voyages the Hugh Lindsay has made in the Red Sea?—Eight or nine.

134. Mr. *Bagshaw.*] You were speaking in high terms of the French steamers in the Mediterranean, and of the route from Marseilles to Alexandria; I am afraid you did not tell the Committee the days of quarantine the passengers would be subject to?—There again, upon the French line, there is a better arrangement than upon our own; these French packets have quarantine officers, and by having quarantine officers they see that they do not break such and such regulations; they count their quarantine from the time they leave the port, we do not count it till we arrive.

135. Packets sailing from Alexandria to Marseilles in the usual period taken up with such a voyage, still the passengers would have to undergo a great length of quarantine at Marseilles?—They would have to perform the same quarantine that they do at Malta; but it is my opinion that before this day three months the quarantine at Marseilles will be less than it is now; I know from authority it is very likely to happen; and one of my principal inquiries at Paris, as I go along, will be, when it will happen.

136. But an English steam packet, that should sail from Alexandria to Falmouth, on arriving at Falmouth, the period for quarantine would have expired, and the passengers would not have to undergo any quarantine there I presume?—When Egypt becomes a healthy country, (which it will soon, from the excellent salutary laws of the Pacha, who is the first Mahometan ruler that has established such salutary laws,) vessels will then leave Egypt with clean bills of health, and there would be no necessity for quarantine at all; if there was a clean bill of health given to-morrow, there would be no quarantine.

137. Would you not recommend, in any establishment of steam communication between Egypt and India, that it should be done by one establishment throughout?—I know of no establishment capable of doing it the whole way; for instance, I went to Liverpool, five or six years ago, to inquire into that matter; they said we will do everything you like on this side, but in India that must be done by them; and I think you will not find that parties, unless they are trebly paid for it, will do the thing the whole way as it is wished; it would be an excellent arrangement, but I do not see how it is to be arrived at.

138. Supposing

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138. Supposing Government were to undertake steam communication upon a very comprehensive plan between Great Britain and all the ports of India, should you not think it would be much better it should be undertaken direct from Falmouth than to commence from Suez?—I would beg to remark on the communication by way of France, and by way of Falmouth; in the first place, the mails leaving London the 1st of last month will arrive at Alexandria about the 26th, in 26 days, and they take two days to go to Falmouth; letters written upon the 6th in London will arrive at Alexandria two or three days before them.

139. That is, as far as letters are concerned; but you would not confine your communication to correspondence, I presume?—I think I would fix it at first for mail passengers, and a certain quantity of valuable cargo.

140. Now, in speaking of the navigation of the Red Sea, I think I understood you to say, that a vessel should go from Suez to Mocha every 15 days?—Yes.

141. What would be the use of that, seeing you are only to have a communication from Mocha to India monthly?—We have at this moment opportunities of writing to India every day in the week except Sundays; letters so written go to Marseilles, and every 10th day they go to Egypt; and I mean to send them on from Egypt every 10th day to Mocha, until steam is established for the purpose.

142. Sir *J. Hobhouse.*] You are talking, of course, of private letters?—Yes.

143. Lord *Sandon.*] What would be the advantage of reaching Mocha more frequently?—Because by this means letters would arrive in India in 43 days.

144. Mr. *Bagshaw.*] I beg to ask whether the mail of 1st July 1836, arrived in Bombay on the 12th August, how was that carried from Mocha?—I took that mail myself from Alexandria to Mocha; I arrived at Mocha at seven in the evening; a ship was sailing next morning at daylight, called the Discovery, which took it to Bombay; and thus this mail went by one of these chance occasions.

145. Sir *J. Graham.*] And those chance occasions are so frequent as to render it worth while to establish this mode of conveyance, in your opinion?—The chance communications are confined from May to the 25th August.

146. Mr. *Bagshaw.*] What became of the mails of last August, September, October and November, as far as you have heard?—The August mail, in the first instance, was detained one month at Malta, and eventually came on to Gibraltar, with the next month's mail, of September; those two mails were put on board the Honourable Company's vessel of war, the Euphrates, at Suez, which took them to Mocha, and the captain of that ship can best explain why he left them there.

147. The mails of those four months, I believe, were very numerous, and cost an immensity of money to the merchants; the mails of August, September, October and November?—It cannot be denied that there has been a great neglect at Mocha, in not having those mails taken on; this neglect is so evident to the parties concerned, that it is not likely ever to occur again.

148. Sir *J. Graham.*] There is now no resident agent at Mocha, I believe?—None but native agents; and if there had been a resident agent the mails would not have remained there; they would have hired boats. It is the want of authorities that is felt.

149. If I understand you, you propose that there should be nine steamers on the other side of the isthmus?—Seven employed.

150. And you propose that there should be resident agents?—Packet agents; so that, supposing there was anything wrong, the people would go to the mail or packet agent for information; you must have one man at the place to correspond with.

151. To give effect to that plan, is it not necessary there should be one central authority?—It is.

152. Is the naval authority in that quarter the natural authority, the admiral in command?—He has nothing whatever to do with the Red Sea; our ships of war never enter it, and have not done so since the last expedition to Mocha in 1823.

153. If other impediments were removed, do you see any obstacle to placing the whole of that establishment under the control and responsibility of the admiral at the East India station south of the isthmus?—I think it will be a saving to a very large amount, whenever it is done, and one of the most efficient things that could be done.

154. Must not the superintendents, both at Mocha and Socotra and Trincomalee,

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be naval men?—I would have a military man at Mocha, because the Turkish authorities think a great deal more of military authority than they do of naval authority; but at all the other places, except Mocha, I would have naval authority: for instance, the authority at Socotra is the captain of the man-of-war lying there from time to time.

155. You would look rather to a King's officer having a controlling power over this large establishment in the southern sea, than to an officer in the East India Company's service?—Yes; whether done by a mercantile company or not, it should be done under the orders of the Admiralty, because they possess resources that nobody else does.

156. Might not the stores for the use of the King's ships in that sea be bought at a smaller cost in aid of the steam establishment than similar stores could be withdrawn from any other quarter?—Decidedly.

157. Mr. *Bagshaw.*] Did you see the two steamers that went out to India?—Yes; there is one thing I would beg to remark upon to the Committee; there is this trifling alteration I would suggest in the present plan that is just put in progress by the East India Company, that instead of employing the Atalanta and Berenice both between Mocha and Bombay, one of them should ply between Calcutta and Mocha, and then you will arrive at practical facts, which you can carry into effect some 12 or 15 months hence; as to winds and weather, and things which are made now matters of doubt, for instance, the south-west monsoon, it will show what time a vessel will be in getting to Calcutta during the time that lasts.

158. Sir *J. Graham.*] On account of the monsoon, which, according to your evidence, will stop the communication for four months in the year between Mocha and Bombay, do I misunderstand you when I infer you incline to the opinion that the communication with Bombay should at all times take place through Trincomalee, rather than for eight months direct from Mocha to Bombay?—I have specially stated here it should go eight months direct through Bombay and Mocha, and the other four months it should go down to Calcutta alone through Trincomalee.

159. For eight months you would have it direct to Mocha?—Yes.

160. And for the four months of the monsoon you would have it indirect through Trincomalee?—Yes, to prevent the great wear and tear of the steam vessels.

161. Lord *Sandon.*] The difference in point of time would be about a couple of days, would it not, between Bombay and Mocha, as going direct and going round by Trincomalee?—The difference is this, that the Calcutta steamer would have started two days before from Calcutta with her mail for Trincomalee, and the Bombay steamer two days afterwards.

162. You recommend a circuitous route for certain months in the year; what would be the difference, between taking the circuitous route and saving the circuitous route, in point of time?—There would be no difference whatever, because at this time of the year you could not get from Bombay to Socotra against the wind and weather.

163. Sir *J. Graham.*] What is the difference in those months that you are able to go direct from Bombay to Mocha; how many days would it take to go direct, and how many days to go by the circuitous route; what are the eight months you would go from Bombay to Mocha direct?—From the 15th of September to the 15th of May I would go direct from Bombay to Mocha.

164; How many days would it take you?—That is according to the time of the year, sometimes it will take 12 days, and sometimes it will take 10 days.

165. Mr. *R. Gordon.*] Then it will average from 10 to 15 days?—It will average 12 days.

166. Supposing you continue the same route from the 15th of May to the 15th of September, during the monsoon, how many days will it take you going direct against the monsoon?—Probably 18.

167. Now during those months, instead of going direct against the monsoon, suppose you go round to Trincomalee, and so to Mocha, how many days will it take you?—About two days less than going to Bombay straight.

168. Mr. *Mullins.*] When you speak of 12 days, you do not take into consideration the power of the vessels, because different vessels must do it in a longer or a shorter time?—I have been in a steam vessel at sea in a gale of wind, where power was useless, because we should have gone down head first; in this

case

case it was in His Majesty's steam-ship Fire Fly, in a gale of wind in the Bay of Biscay.

169. What was the horse power?—This was three years ago, at which time she was the crack vessel in the navy for speed.

170. State the horse power?—Two seventy's.

171. And her tonnage?—About 600 tons, and this was an instance in which more steam would have been useless.

172. Supposing a vessel of 1,000 tons and 250-horse power were to be used, do you think such a vessel would prove unavailing against the south monsoon?—I mean to say that if she gets within 10 miles of her voyage, she must turn round and sail all the way back, because she has no port to go to.

173. Do you think it is likely she would fail?—I think, in a violent monsoon, it is almost certain.

174. *Chairman.*] How often have you been between India and the Red Sea?—I have been twice. I omitted to state, that as to steamers on the Red Sea, at Suez, there are pilgrims carried by them; there are persons who have ships of their own to carry pilgrims; there are sometimes enough to sink a vessel.

175. Mr. *Mullins.*] Which would you prefer, vessels of 1,000 tons and 250-horse power, or the vessels you have named, of 550 tons and a proportionate power?—It depends upon the navigation for which they are wanted; in some cases I would prefer a vessel of 500 tons.

176. In what cases?—Suppose I want to go 2,000 miles, or a long distance, by steam, I must have the largest vessel I can get.

177. Mr. *Bagshaw.*] Are you of opinion that no communication with India would answer, except combined with carrying passengers?—It would not.

178. Sir *John Hobhouse.*] You have made the passage you so recommend for steam vessels often, have you?—Being employed 12 years as a Bengal pilot enables me to speak confidently upon all nautical points in the statement which I have read.

179. Connected with that passage?—Connected with that passage, as stated in that written statement.

180. And you have no doubt, from your experience, of the practicability of such a passage being made by steamers, after the manner you have described?—I am certain they can do it with great ease.

181. Sir *James Graham.*] Is the communication there contained, as applicable to steam navigation, connected with your nautical experience in this sea?—Decidedly so.

182. Sir *John Hobhouse.*] You are now employed, are you not, by the East India Company and the King's Government, as superintendent, to assist Colonel Campbell, in Egypt, for the transmission of mails across Egypt?—I have had such an appointment a few hours.

183. Have you the least doubt you shall be able to carry into effect the objects of that appointment?—I am sure I shall.

184. You have no doubt of it?—I have no doubt of it.

185. In the performance of the duties which have been assigned to you, do you contemplate that occasionally it may be necessary to make use of sailing vessels instead of steam vessels?—Decidedly so; and the written statement alluded to tells you how the steamers are going to sail, sometimes 15 and sometimes 1,000 miles.

186. And by the employment of sailing vessels in that manner you have no doubt that the transmission of mails will be safely and regularly secured?—In six hours they may be made both sailing and steam vessels.

187. Are you acquainted with the tonnage and steam power of the two steam vessels that have been lately built by the East India Company, the Atalanta and Berenice?—I was in Egypt at the time they were built, and I have made various inquiries about them; I think, when they are made packets instead of armed steamers, they will be very useful.

188. Do you think it would be advisable that one of those vessels should be immediately directed by the Governor-general of India to make this passage which you have just talked of, in order to ascertain the practicability of it?—I do; and I will go to India for this purpose, and I will ask him to try during the south-west monsoon, in the height of it, with one vessel, to try the thing from Calcutta in the height of the monsoon, and I will go all the way to India to induce him to make this trial, and then you will have practical facts to go upon, because you might

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might in a large arrangement be doing and undoing, and it is better to go steadily and surely to work than doing too much in the dark.

189. And you think then, from what you have heard of the power of each of those steam vessels, the Atalanta and the Berenice, when those two vessels shall be converted into packets, and not armed vessels, that the experiment can be made well with either of those vessels?—Decidedly; they are well adapted for the experiment. Many people, not masters of the subject, say that all the difficulty is in the Red Sea; now there is no such difficulty in the Red Sea; the Hugh Lindsay, tub as she is, goes up and down the Red Sea at all seasons of the year.

190. Mr. *D. Barclay.*] You say there have been interruptions during four months between Mocha and Bombay; would there be any interruption between Mocha and Calcutta?—None.

191. Mr. *Bagshaw.*] Have you not had a vote of thanks from the community of Calcutta, accompanied with a donation for your services in carrying the mails with such expedition over?—I have had a grant of 4,000 rupees from the Calcutta community.

192. And what from the Madras community?—The Calcutta community have given me 7,000 rupees; those gifts were made to me because all those parties knew I was in debt, and rendered so by my continued toils to effect this object, unaided by the East India Company and the Government up to two or three days ago.

193. Have not the merchants of London subscribed for the purchase of a piece of plate for a like object, to be given to you?—They have, which is very gratifying to me.

194. Mr. *Mullins.*] Do you know whether any wheel carriages of any description have ever passed between Cairo and Suez?—I know that the Pacha's wife and family have passed over in wheel carriages, and camels draw guns on carts over the deserts constantly.

Jovis, 15° die Junii, 1837.

MEMBERS PRESENT.

Sir C. Adam.	Mr. R. Gordon.
Mr. Bagshaw.	Sir J. Hobhouse, Bart.
Mr. D. Barclay.	Mr. Hutt.
Lord William Bentinck.	Mr. Mullins.
Mr. W. Crawford.	Mr. G. F. Young.
Sir James Graham, Bart.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

The Right Hon. Sir *John Hobhouse*, Bart., a Member of the Committee, made the following Statement:

Sir *J. Hobhouse*, Bart. M.P.

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THE first thing which was done to carry partially into effect the resolutions in the Report of the Select Committee of 1834, was to give directions to the Admiralty to complete the monthly communication of packets in the Mediterranean, by sending a steam-packet from Alexandria to Malta. That was in August 1834, almost immediately after the Committee had made their report; Lord Ellenborough, when President of the India Board, carried this arrangement into complete effect on February 7th, 1835, and when the present India Board was formed, the President of the Board extended the voyage of the Alexandria steamer by sending it on to Beyrout, and also to the mouths of the Orontes, in order to communicate with Colonel Chesney and the Euphrates expedition.

In order also to carry the same intentions of the Committee of 1834 into effect, the Court of Directors, in August 1834, sent a despatch to the Governor-general of India, desiring him to send the Hugh Lindsay steamer at stated periods to Suez. The Hugh Lindsay, in consequence of orders given by the Governor-general of India, has since that period made four voyages to Suez. I hold a paper in my hand,

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hand, which mentions at what period those voyages were made, and in what time despatches were consequently conveyed backwards and forwards between England and India.

I should mention also, that in order to co-operate with the Euphrates expedition, and to expedite as much as possible the transmissions of mails between India and England, the Governor of Bombay, and subsequently the home authorities in England, established a dromedary post from Bagdad to Damascus, and from Damascus to Beyrout, on the coast of the Mediterranean.

The consequence of all these arrangements has been, that we have had the great satisfaction of forming a much more rapid communication with India than has ever been known since that great country has been in our possession; in confirmation of which fact, perhaps the Committee will permit me to read to them a despatch, dated on the 16th of September 1836, which the home authorities received from the government of Bombay; it is couched in these words: "We beg leave to offer to your honourable Court our congratulations on the rapidity with which your wishes have of late been conveyed to all parts of your Indian possessions. The three last overland mails have brought despatches from London to Bombay, in 58, 45 and 64 days; and those intended for Calcutta have been forwarded in 10 days. We have witnessed the energetic impulse this early intelligence has given to the mercantile interest, and the unbounded satisfaction it has diffused throughout all classes of the community. It is, indeed, undeniable, that a quick interchange of information is of the first advantage in commerce, and in the conduct of all public business, while it is equally time that the effect on the minds of those who serve the honourable Company long and faithfully in this distant land, is to deprive the painful feeling of separation from their homes and country of half its bitterness. We beg respectfully to press these reflections on the notice of your honourable Court, with our earnest prayer that you will ere long grant to India the much desired boon of frequent and regular communication with Europe, by the employment of a sufficient number of steam vessels for that purpose." This despatch, dated the 16th of September 1836, arrived here in the early part of this year.

Whilst the home authorities were thus attempting to carry into effect the resolutions of the Committee of 1834, they were at the same time engaged, but more particularly the India Board, to whom that duty was confided by Parliament, in carrying on the Euphrates expedition, to which I need not allude more specifically, because the terms on which this Committee is assembled, do not admit of any precise inquiry into that enterprise; but I ought to state, that one of the reasons why more decisive measures were not taken by the home authorities towards carrying into effect other portions of the resolutions of the Committee of 1834, was, that we considered that so long as the result of the Euphrates expedition was doubtful, and as the Euphrates expedition had been considered the first object to which the Government ought to apply itself, that we should not be justified in taking any decisive steps before we had seen the result of that experiment.

In the meantime, however, a company was formed for the purposes of steam communication with India. The President of the India Board had various communications with gentlemen representing that company; he saw them two or three times at the India Board. He had a correspondence with Major Head, who was then the provisional chairman of that company; also with Mr. Hutt, the Member for Hull, who was the permanent chairman of that company, and in consequence of communications with those parties, he at last called upon that company to give to His Majesty's Government, that is to say, to the India Board, a precise proposal with respect to the terms they could offer to the King's Government and to the India Company for a regular communication with India by steam boats.

Considerable delay occured; the President of the India Board found it extremely difficult to get any positive and precise information from the gentlemen to whom I have alluded. At last, however, a report was sent to the India Board, the title of which was this: "The Report of the Committee for promoting Steam Navigation with India." I hold that paper in my hand, and, if the Committee please, I will put it in, because it contains what, after the deliberation of many months, was thought by very competent persons to be the best offer that the parties concerned could afford to make—[*The same was delivered in, vide Appendix*

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pendix (A)].—Upon receiving this report, and giving to it every attention in his power, the President of the India Board communicated with three departments upon the subject; he sent a copy of this report to the Treaury; he sent another copy to the Admiralty, and he sent another copy to the Court of Directors, and at the same time he communicated personally with the Chancellor of the Exchequer, and recommended that the report should be, by the Admiralty or by the Lords of the Treasury, communicated to the Postmaster-general. This took place on the 7th of last December.

After some delay, a report was handed to the India Board by the Lords of the Treasury, prepared under the orders of Lord Lichfield, the Postmaster-general, by Colonel Maberley. I hold that report in my hand, and, if the Committee please, will put it in, together with the enclosures, of which I will only read the titles, to convey to the Committee a notion of their import. The first enclosure is "An Account of the Postage of Letters passing through Falmouth by the Mediterranean Packet." The next is, "A Return of the Number and Amount of Letters and Newspapers received by Private Ships from the Island of Ceylon, and the Three Presidencies of Bombay, Madras and Calcutta, in the three years ending 5th October 1834, 1835 and 1836." "A Return of the Number and Amount of Letters and Newspapers sent by Private Ships to the Island of Ceylon, and the Three Presidencies of Bombay, Madras and Calcutta, in the three years ending 5th October 1834, 1835 and 1836." "A Return of the Number of Bags and Boxes of Despatches sent to and from Ceylon, Bombay, Madras and Calcutta, by Private Ships, in the three years ending 5th October 1834, 1835 and 1836." "A Statement of the Number and Amount of Letters landed at the Ports in Ireland from the Presidencies in India; viz Madras, Bombay, Calcutta and Ceylon, for one year ended 5th January 1837." [*The Papers were delivered in, vide Appendix.*] The general result of Colonel Maberley's examination of the offer that was made by the company to which I have alluded was, that it would be highly unadvisable for the India Company, or for the King's Government, or for the Post-office, to accept the offer made by this company.

A similarly unfavourable, but not a detailed report, merely an opinion, was sent to the President of the India Board by the Lords of the Admiralty.

An equally unfavourable and decisive answer was sent to the President of the India Board by the Court of Directors.

In consequence, therefore, of those unfavourable reports, the President of the India Board thought it then his duty to communicate directly with the Court of Directors his own view upon the subject. The Court of Directors, through their secretary, Mr. Melville, addressed to Mr. Gordon, the secretary of the India Board, a letter, which I hold in my hand, and which I should wish to put in, dated the 1st of February 1837:

"Sir,—I have laid before the Court of Directors of the East India Company your letter, dated the 7th December last, requesting that the Board of Commissioners may be furnished with the Court's observations on the plan and proposal contained in a report, of which you inclose a copy, for the formation of a company to undertake the establishment of steam communication with India.

"In reply, I am commanded to state, that the Court, having maturely considered the subject, are of opinion, that in order to insure the efficiency and permanency of steam communication with India, it should be established and maintained by His Majesty's Government and the East India Company; and that on this ground, independently of the objections to conferring upon the projected company the right of levying postage, the proposition submitted in the report cannot be entertained; but while such is their opinion upon that proposition, they desire distinctly to state their readiness to concur in the establishment of a monthly steam communication with India by the way of the Red Sea, upon the principle which was recommended by the Committee of the House of Commons in 1834, and to which they have on former occasions referred, viz. an equal division of the expense between His Majesty's Government and the East India Company.

"The Court submit, that the expense, to be thus divided, should be the charge which might be actually incurred for the object to be effected, and as His Majesty's Government have already a packet establishment for other purposes between Falmouth and Malta, the conveyance of the India mails to and from Malta

Malta would not be attended with any charge to His Majesty's Government. The expense of the necessary establishment beyond that place is, therefore, all that would be incurred on account of India, and, consequently, all which the East India Company should be called upon to share.

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"The Court being, however, anxious that the settlement of this question should be no longer delayed, are willing, as His Majesty's Government have extended the packet communication from Malta to Alexandria, to waive the claim which India might possess to a share in the postage which in such case would be received by His Majesty's Government to and from Bombay, instead of, as at present, to and from Alexandria.

"Should His Majesty's Government consent to this principle as a basis for future proceedings, the Court would be prepared to enter upon the necessary arrangements, in framing which it appears to them to be requisite that His Majesty's Government should issue such directions with respect to the mail from Alexandria and Malta for this country, as would obviate the inconvenience which has already resulted from the departure of the packet from Alexandria before the arrival there of the mail from India. (signed) "*L. Melville.*"

This is the letter to which I have before alluded, and which contained the first direct proposal made by the Court of Directors to the President of the India Board in writing. This letter was received on the 2d of February, and on the 3d of February the President of the India Board wrote to the Chancellor of the Exchequer a letter, which I will take the liberty of reading:

"Sir,—I have the honour to transmit to you, for your consideration, a copy of a letter which this Board has received from the Court of East India Directors relative to a speedy and regular communication between this country and India, by way of Malta, Alexandria and the Red Sea. My understanding of the proposal herein made to His Majesty's Government is, that the Court think they ought to pay no part of the expense of conveyance from England to Alexandria, but they are willing to divide, in equal shares, the expense to be incurred by transmitting the monthly mails between Alexandria and Bombay.

"They are willing, it appears, in consideration of such arrangement, to leave to the Government the whole profit to be derived from the postage of letters by this route, both to and from India.

"I cannot help thinking that the proposal thus made by the Court of Directors is exceedingly fair, and I should hope that the additional outlay might, in no very protracted an interval, be provided for by the postage, which the Court propose to abandon for the advantage of the public revenue. Begging your early attention to this very important subject,

"I have, &c.
"To Right Honourable
The Chancellor of the Exchequer." (signed) "*John Hobhouse.*"

The President of the India Board did not receive any precise answer to this communication of the 3d of February until the 9th of March. The answer that was received at the India Board was as follows:

"Sir,—With reference to Sir John Hobhouse's letter, dated 3d ultimo, enclosing copy of one from the East India Company, relative to a speedy and regular communication with India, by the way of Malta, Alexandria and the Red Sea, I am commanded by the Lords Commissioners of His Majesty's Treasury to state to you, for the information of His Majesty's Commissioners for the Affairs of India, that my Lords concur with the President of the Board of Control in thinking that a speedy and certain communication with India is a matter of so much importance to the whole of the King's subjects, that it is fitting to assist in its attainment by some contribution from the public resources; and their Lordships are, therefore, willing to admit the principle stated in the correspondence before them, but they will require more precise and definite information before they can lay the case before Parliament; and, with this view, I am to request that you will move the Commissioners for the Affairs of India to put the proper authorities in communication with the Post-office department, in order that a more clear and precise plan and estimate may be submitted to this Board." I beg to direct the attention of the Committee to this last paragraph of the letter: "Their Lordships, of course,

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assume that the question reserved for their consideration will embrace the communication, by steam, with the three presidencies.

"To Robert Gordon, Esq." (signed) "*F. Baring.*"

On receiving this letter on the 9th of March, the President of the India Board wrote on the 10th to the Chairman and Deputy-chairman of the Court of Directors a letter, which I will also take the liberty to read to the Committee:

"Gentlemen,—I have the honour to enclose for your perusal a copy of a letter addressed to this Board by the Lords of the Treasury, in reference to the proposal made by the Court of Directors for establishing a regular and speedy communication to and from India.

"You will perceive that their Lordships request the Commissioners for the Affairs of India and the Court of Directors to communicate with the Post-office, in order to obtain an estimate of the probable expenses which may be incurred by the establishment of a line of packets for the required monthly conveyance of the Indian mails, either by the Red Sea or by the Persian Gulf; and I would thank you to inform me what officer of the India House it may be your wish to appoint for the performance of this duty. I have also to direct your attention to the concluding paragraph of their Lordship's letter, and to state that I entirely concur in the view therein expressed, as I am convinced that any plan which does not embrace a communication by steam packets with Madras and Calcutta, as well as with Bombay, will entirely fail to give public satisfaction, and to fulfil the just expectations of the people, both of England and India.

"To the Chairman, &c." (signed) "*John Hobhouse.*"

That letter was sent on the 10th of March.

On the 30th of March an answer, as follows, was addressed by the Chairman to the President:

"Sir,—I have had the honour to receive, and to lay before the Court of Directors of the East India Company, your letter, dated the 10th instant, with its enclosure; and I am requested to express the satisfaction of the Court at finding that their proposal, as submitted in the letter from the deputy-chairman and myself, dated the 1st ultimo, for establishing a communication from Alexandria to Bombay, by way of the Red Sea, at the joint expense, in equal shares, of His Majesty's Government and the Company, His Majesty's Government being entitled to all the postage to and from that presidency, upon letters sent by that route, is acceptable to the Lords of the Treasury. The Court are aware, that it will be necessary to promote, by every possible means, facility and quickness of communication between Bombay and Calcutta and Madras; and they have observed, by recent intelligence, that the government of India has adopted arrangements for the acceleration of the dauk, by which packets may be conveyed from Bombay to Calcutta in from eight to ten days, and to Madras in about seven days, and which the Court consider to be a much more rapid and certain, and unquestionably more economical mode of communication than a steam conveyance. The Court submit that the question, either of altering the India station for the steam-packets, or of establishing a branch communication by steam between Bombay and the other presidencies, should be reserved for consideration, after trial has been fairly made of the plan suggested in their former letter; but they are prepared to authorize the Bombay government, in the event of the difficulties on the line of the Red Sea in the months of June, July, August and September, being found insuperable, to take such measures, pending the determination of the home authorities upon the subject, for forwarding the packets to or from Bombay by the Persian Gulf, as may insure a regular monthly communication. In reference to the desire expressed by the Lords of the Treasury, that the proper authorities should be put in communication with the Post-office department, in view to a more clear and precise plan being submitted to their Lordships, the Court request me to state that they will instruct their secretary, who is also their financial officer, to confer with any officer who may be named by His Majesty's Government for the purpose of preparing an estimate of the expense, or of collecting any further information that may be thought necessary.

"Right Hon. Sir John Hobhouse, &c. &c. &c." (signed) "*James Carnac.*"

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On receiving this letter on the 30th of March the President naturally entertained some doubts as to the course which it would be proper to pursue. He had several oral communications with the representatives of the Court of Directors, and from them was given to understand that any effort upon his part to insist at once upon the larger plan being carried into effect would most probably fail, and that by so insisting on an extended plan it was more than probable that no immediate step would be taken towards a steam communication with India, or towards any first experiment of importance. The President considered that by consenting to the modified plan he was in effect conforming to one of the alternatives that was proposed in the 5th resolution of the Committee of 1834 that resolution was as follows, "Resolved, That it is the opinion of this Committee that it be left to his Majesty's Government, in conjunction with the East India Company, to consider whether the communication should be in the first instance from Bombay or from Calcutta, or according to the combined view suggested by the Bengal Steam Committee." The Committee will perceive that in acceding to the modified proposal of the Court of Directors the President was adopting one of the plans recommended in this resolution. The President thought himself justified in postponing the larger scheme, and he accordingly wrote a letter, on the 3d of April, to the Chancellor of the Exchequer, in the following terms:

"Sir,—I beg to transmit to you a copy of a letter received at this Board from the Chairman of the East India Company relative to the speedy and regular conveyance of mails between England and India, and I have to remark, that although my own views of the question would induce me to prefer an immediate arrangement for communicatng not only with Bombay but with Madras and Calcutta by monthly steam packets, yet, in order to prevent delay in the commencement of so useful an enterprise, I consider it to be advisable to close with the proposal now made by the Court of Directors. I would therefore thank you to inform me (in case the Lords of His Majesty's Treasury should coincide with me in the above opinion) with what officer of the Post-office department you would wish the secretary of the India Company to be placed in communication, in order to make requisite arrangements for carrying into effect the proposed plan.

"I have, &c.,
(signed) "*J. Hobhouse.*"

"Right Honourable
The Chancellor of the Exchequer,
&c. &c. &c."

To that letter, dated the 3d of April, no positive answer was received until the 17th of April, but in the meantime the President had various communications, partly by letter, partly verbal, with all the departments, the Admiralty, the Treasury, and also with the Court of Directors. On the 17th of April, Mr. Gordon received from Mr. Francis Baring this letter:

"Sir,—With reference to the letter from Sir John Hobhouse of the 3d instant, inclosing one from the Chairman of the East India Company, relative to the conveyance of mails between England and India, I have it in command from the Lords Commissioners of His Majesty's Treasury to acquaint you, for the information of the Commissioners for the Affairs of India, that my Lords consider that the East India Company should be put into communication with the Postmaster-general and the Lords of the Admiralty on the above subject, and they will make the necessary communication with those departments accordingly.

"I am, &c.,
"*F. Baring.*"

"To Robert Gordon, Esq."

This letter was considered to be an acquiescence in the proposal, and accordingly the Court of Directors were requested to communicate with the Post-office, and to frame an estimate of the expense to be incurred by a monthly communication between Bombay and Suez, by four steamers of 200-horse power each. The estimate was framed and sent to the India Board, and I have been informed that the Post-office department entirely concur in the correctness of it; I hold that document in my hand.

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Cost of one steamer complete, 30,000*l.*

	£.	£.
Interest on capital sunk, at 4 per cent. per annum	1,200	
Insurance on capital sunk, at 5 per cent. per annum	1,500	
Annual deterioration by wear and tear, reckoning duration of hull at 15 years, say 6 ¾ per cent. on 17,000*l.* £. 1,147		
Duration of engines at 10 years, and boilers (copper) at eight years, or for the remainder of the cost 13,000*l.*, say nine per cent. 1,170		
	2,317	
Annual repairs, say 5 per cent.	1,500	
		6,517
Establishment and victualling		5,000
Coals, assuming three voyages per annum from Bombay to Suez, each voyage to occupy 40 days in steaming, and the consumption of coals to be 18 tons a day; in this view the quantity required will be, tons 2,160		
Allow for wastage, &c. about 20 per cent. 440		
2,600		
Expense of one-fourth of that quantity at Bombay, viz. 650 tons at 45*s.* per ton	1,462	
Expense of three-fourths in the Red Sea, viz. 1,950 tons at 80*s.* per ton	7,800	
Expense of transhipping coals, &c.	1,221	
		10,483
		22,000
Or for four steamers per annum	£.	88,000

The following note is appended to the estimate: "In the foregoing view, it is assumed that the steamers are to be constructed at Bombay, where timber and other materials are stated to be reduced 50 per cent. compared with the prices of the year 1829, when the Hugh Lindsay was built;

That the hull, &c. will cost	£. 17,000
And the engines, copper boilers and machinery	13,000
	£. 30,000

"It is also assumed that the value of the old copper boilers and other worn-out stores, will cover the freight of new engines, &c. out to Bombay." I beg leave to put this estimate in, which, as far as I understand, is considered to be rather over than under what the cost is likely to be.

Sir John Barrow was also requested to give an estimate of the expense of one steam-boat in the Mediterranean; he transmitted this paper:

"Spitfire, 553 tons, and engines of 70-horse power each:

	£.	*s.*	*d.*
Wages	1,602	16	8
Victuals, including extra allowance of spirits while the steam is up	688	4	–
Coals for 12 trips, reckoning the time of steaming each trip to be 20 days, calculating that the consumption is at the rate of one ton in two hours, and at the last contract price for coals delivered at Malta and Alexandria,	4,624	–	–
Total (exclusive of repairs)	£. 6,915	–	8

"This calculation," Sir John Barrow says, "is made for one steamer going each month for one whole year, from Malta to Alexandria, Alexandria to Beyrout Beyrout to Scandaroon, return to Alexandria, and from Alexandria to Malta."

Upon receiving these estimates, the President communicated the result to the Chancellor of the Exchequer, and personally had several conversations with him upon the subject; the result of which was, that he sent to the President a private letter, stating his consent, and that the Lords of the Treasury might be considered as acquiescing in the arrangement.

The President communicated this to the Court of Directors, and on the 2d of June the following despatch was sent out to the Governor-general of India in Council. I read this despatch, because it in fact tells what has been done, very shortly, and gives the necessary orders to the authorities in India:

"1. We

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" 1. We have the satisfaction to acquaint you, that we have concluded an arrangement with His Majesty's Government for the establishment of a monthly steam communication between Great Britain and India by way of the Red Sea; 2. His Majesty's Government undertake the transmission of the monthly mails between Great Britain and Alexandria, at the sole charge of the public; and we have undertaken the transmission of these mails between Alexandria and Bombay, upon condition that one-half of the expense which we may incur in the purchase, equipment, maintenance and navigation of steam vessels (including the value of any which we may already possess, and which may be applied to this purpose), or on any other account for the service, shall be repaid to us in London, at the termination of each year, we consenting to relinquish to His Majesty's Government the whole of the postage between London and Bombay; 3. It is our desire that this arrangement take effect forthwith, and with that view we shall direct the government of Bombay to send the Hugh Lindsay to Mocha for the purpose of her being regularly employed in conveying the mails between that place and Suez, and to dispatch the Atalanta and Berenice on alternate months to Mocha; 4. We are aware that a fourth steamer will ultimately be necessary, and we shall adopt measures for providing one; 5. We shall immediately contract for the purchase of a large quantity of coals for consignment to Bombay and to Mocha respectively; 6. A portion of those sent to Mocha may, if necessary, be ultimately conveyed to Suez, but we intend to try the plan of supplying that place with coals, *via* Alexandria."

This despatch has been sent to the Governor-general of India. A few days before it was determined to send out that despatch, it was thought proper to take into consideration a plan that had been suggested before to the India Board, for the transmission of the Government mails across France to Marseilles, by which plan it was concluded, upon premises which I believe are correct, that a saving, as the Committee have heard from the witness, Mr. Waghorn, of from four to six days, and perhaps a little more, might be made in the time employed on the whole conveyance.

The President communicated on this subject with the Foreign Office, submitting to Lord Palmerston certain papers drawn up by a gentleman very capable of judging on the subject, who had been for many years a resident at Malta, Mr. Calvert. Lord Palmerston favoured the President with his views on the subject, concurring generally in the expediency of such an arrangement, and consenting that either a Government messenger, or some person empowered to take the India mail, shall, once a month, that is to say, on the 6th of every month, leave England for Marseilles. I should state, at the same time, that his Lordship thinks it possible there may be some difficulties with respect to a general Indian mail in sealed bags traversing France, but that he is far from thinking that those difficulties may not be finally removed. I hold in my hand a table showing the organization of the packet service, and the postage of letters so transmitted by the French steamers in the Mediterranean, and the rate of passage per head; it is a translation from a French official document, and perhaps it might be useful for the information of the Committee. [*The same was delivered in, vide Appendix*].

Having mentioned that the Court of Directors had, during the interval to which I have alluded, built and sent out two steamers, perhaps it may be as well that I should put in a statement of the size, the horse-power, guns, &c., of the Company's two steamers, Atalanta and Berenice. [*The same was delivered in, vide Appendix*]. It will be some satisfaction to the Committee to know that these two steamers seem likely to answer their objects. The Berenice, in coming up channel, which she did on her way from Scotland, proceeded at the rate of eight knots an hour in the face of a strong breeze almost the whole of the way. And the Atalanta ran from Fernando Po to the Cape of Good Hope, which is 2,200 miles, in 13 days, without having her copper looked to.

These vessels are now gone out, and, in order to make some experiments of the larger plan of communication with the three presidencies by steam, the Governor-general has been instructed, not by a public despatch, but he has been recommended, to send one of the steamers, either the Atalanta or the Berenice, round from Calcutta to Madras, thence to Ceylon, and thence to Socotra and up the Red Sea to Suez; so that, at least by one trial, we may be able to ascertain practically what objections there may be to that route.

I think that I have detailed to the Committee pretty much what has been done

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done by His Majesty's Government and by the Court of Directors, and I have only to say, in conclusion, that I consider that both the Court of Directors and the King's Government were justified in making the first experiment to Bombay. I need not tell gentlemen of the Committee, many of whom are so well acquainted with the subject, that it is of great importance there should be a communication even with Bombay; for I totally dissent from what was said by Mr. Waghorn, that he considered that result as "worse than nothing." I need not inform the Committee, that for what may be called Government purposes, viz. communications between the Home and the Local Authorities, this scheme answers every object. The communication is as rapid from Bombay to Agra, as it is from Calcutta to Agra; and with reference to the important frontier of the Indus and Sutledge, I have heard that a steam-boat might communicate even with Lodhiana, by an 18 days' passage from Bombay. In fact, to say we have done nothing by establishing this communication with Bombay, is rather the opinion of a partizan than of an impartial observer.

Let me remark, also, in reference to what was stated by Mr. Waghorn, that his services had been overlooked by His Majesty's Government, that the present Board of Admiralty have declined to promote him to a lieutenancy, in consequence of certain rules of service which had induced two former Boards of Admiralty to come to the same conclusion. At the same time, the King's Government have, in conjunction with the Court of Directors, shown every disposition to acknowledge the merits of Mr. Waghorn. The Court of Directors have, in the first place, given him a sum of money for his past exertions, and they have, in conjunction with the India Board, now given him the appointment of deputy-agent and superintendent of the India mails in Egypt; and, in compliance with his own request, they have moreover advanced to him one year's salary.

I forgot to refer to that subject which the noble Chairman called to our notice previously to my beginning to give my evidence. I allude to the Bombay marine. The Committee are aware that for some time an opinion has been entertained that the Indian navy should be placed under the command, or merged, in fact, in the command of the King's officer in those seas. Such a proposal has been made more than once, but it has hitherto not yet been carried into effect. Since, however, the question of steam navigation has been more particularly brought before the attention of the Indian and the Home authorities, a suggestion has been made, that perhaps instead of annihilating the Bombay marine altogether, it might be advisable to convert that naval force into a steam flotilla. Indeed when it was thought fitting to send out the Atalanta and Berenice steamers to India, it was resolved by the Home authorities that at the same time a reduction should take place in the Bombay marine, so as partially at least to cover the expense of those two steam vessels; and this substitution has been, and I think very justly, considered as something like the first step towards effecting the object to which I have alluded. Any gentleman who looks at the Indian register will see what the force of the Bombay marine is, and it will there appear that by converting that force into a steam flotilla, it will be very possible, and indeed very easy, to obtain all the objects which are sought for by a more extended plan of communicating with the three presidencies by means of steam.

I should state, that although there is no formal proposal now made from the Court of Directors to the India Board, and no positive plan for carrying into effect this object, yet I have good reason to believe, that such a scheme is at this moment entertained by a certain portion of the Court of Directors; and that it is more than probable that in a very short time that proposal will be introduced in a formal manner to the Court itself, and afterwards of course, if it receives the assent of the Court, will be laid before the India Board. I should wish to be understood as saying this only with reference to that portion of the Court of Directors with whom I am in official and weekly communication, but I repeat that it is my hope and conviction that this proposal will finally receive the consent of the Court, and that within no long time the Home authorities will be able to communicate to the public and to the Indian Government that it has been altogether decided upon.

Jovis, 22° die Junii, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Sir J. Hobhouse, Bart.
Lord William Bentinck.	Mr. Mullins.
Mr. Crawford.	Lord Sandon.
Mr. Gordon.	Sir T. Troubridge, Bart.
Sir J. Graham, Bart.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

Captain *Alexander Nairne,* called in; and Examined.

Captain *Alexander Nairne.*

22 June 1837.

195. *Chairman.*] YOU have been in the East India Company's service?—I have.

196. What ship did you command, and for how many years were you in the service?—I commanded the General Kidd; I entered the service in 1803.

197. You are very well acquainted with the Indian seas?—Yes; I have some little knowledge of them.

198. Have you made several voyages to Bombay and Calcutta?—I commanded that ship eight voyages.

199. Do you conceive that there is any difficulty in a steamer making a passage up and down the Bay of Bengal in all monsoons?—I think there is no difficulty at all; I speak from the experience that I have had with steamers in this country, and if the Committee will allow me to give one or two instances, I think it will be more convincing than anything else. About nine years ago I was like most old sailors, very much against steam communication. I was coming from Rotterdam in the Attwood steamer, a very small vessel; we were obliged to anchor at the Brill, the wind blew so hard; after a time the weather appeared to be a little better, and the commander got the vessel under weigh; but when we got on the flats (there is a very long flat sand there, between the buoys), the vessel hardly went a-head at all, it blew so hard. After remaining in this state some time, going very little a-head, he said to the pilot, in an under tone, I was pretty near him, "We must go back;" the pilot said, "We cannot go back, the water has fallen," on which the captain showed a good deal of nerve, and said, "I think the weather is clearing up," and looked about so as not to alarm anybody, "and we will go on." He was in this situation for an hour and a half, and the vessel was literally knocking herself to pieces; but notwithstanding, when she got the tide in her favour, she gradually crawled out; it was from that moment that I began to see the power of steam; that vessel was a vessel of very small power; I should say that it blew so hard that it would have brought vessels within one reef of being close reefed. But I will simply mention another instance when coming from Scotland last February in the Clarence; we left Leith Roads at one in the afternoon, and about midnight it began to blow very hard from the south-west; on the following day, when we were within five leagues of Flamborough Head, we came up with a fleet of colliers, between 200 and 300; those colliers were under close-reefed topsails and foresail, nothing else; their square mainsail furled. This will be better understood by seamen; the colliers do not often take in sail till the very last. When we got to the Head, the wind was directly a-head, and several of the colliers who were a-head of us, were bearing up to take shelter under the Head, and the Clarence at that time, I am quite satisfied, never went less than four knots an hour.

200. Mr. *Mullins.*] What was her tonnage and horse power?—I thinks he has two eighties; that is the favourite size; they call her 1,000 tons, but I should hardly think she is that; I should think not above 800 or 900.

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201. Her usual rating is 1,000 tons?—Yes.

202. Mr. *Crawford.*] Does not the difference of tonnage arise from the peculiar shape of steamers?—Yes; they would not take them as above 700 or 800 tons in other vessels. I have been in various steamers; I have been in the Monarch under almost the same circumstances, about four years ago.

203. *Chairman.*] What was her tonnage?—She is called 1,000 tons also.

204. Do you think the force of that south-west gale was equal to the force of the south-west monsoon which you have seen in India?—Decidedly; I will give a proof; those colliers were under close-reefed topsails; in coming out of Bombay harbour in the strength of the south-west monsoon, vessels never exceed the double reef in their topsails, and generally only the single reef; it is rather too much sail to have, but still they prefer to have it to force the ship out because they must get the offing before the flood tide sets in.

205. In what way would you propose that the passage should be made from the Hoogly to Madras in the south-west monsoon?—I should propose that they went over from the floating light to Point Palmyras, and that side of the bay the wind is generally less strong there on shore, you may get a little more sea, the squalls come from the north-west; but if it blew so very hard that they really could not go across (for the great difficulty will be in going across what they call the reefs from the floating light to Palmyras, there are three reefs to cross, you may call them two reefs where there is a very high sea), if it was blowing so hard that you could not get across, it would be a very simple business to keep on the starboard tack, and let them fetch down within the Island of Andamans; although it is a lee shore all the way down, you get into variable winds and smooth water almost as soon as you are withinside of the Island of Andamans, and that breaks the sea all the way down, and after you get well down the bay you might take sea then, because it is only in spring tides that it blows very hard, you might stand across for Madras.

206. Mr. *Crawford.*] Then you would get to the southward by south-south-east?—Yes, it is the way that all the East India Company ships go to China; when on the starboard tack, they never think of tacking.

207. What number of days would you estimate a passage under those circumstances to Madras from the mouth of the Hoogly, in such weather as would give you occasion to go to the south-eastward?—That requires to be turned in my mind in estimating the difficulties; but I should think that the passage might be made, even under the circumstances that I state in going down, in six or seven days.

208. *Chairman.*] In this mode of making the passage, you do not contemplate going in the face of the south-west monsoon?—This is if you cannot get across to Point Palmyras, if it should be blowing so very hard that you cannot reach that point.

209. Have you often seen such weather that you could not get across to Point Palmyras?—I have never seen it.

210. Mr. *Mullins.*] In the observations you have just made, are you speaking of sailing vessels?—Yes, I am speaking of sailing vessels, not of steamers.

211. *Chairman.*] Having made for Point Palmyras, would there be any difficulty in going down the coast to Madras?—I should think none.

212. The land and sea breezes prevail all along the coast, do not they?—In the strength of the south-west monsoon, I should say that, unless you are very close in, they do not; that is to say, they do not extend far out, but the squalls come from the north-west, and of course that is the leading wind there.

213. How far do the land and sea breezes prevail from the shore?—I am not prepared to say, for I never went down.

214. Have you been at anchor in Madras Road?—Yes, I have.

215. Do the land and sea breezes prevail there?—Yes; there is one part of the year when there are along-shore breezes.

216. Do you know the voyage from Madras to Point de Galle?—No; I have not had experience in that at all, except from hearsay.

217. Do you know that the south-west monsoon blows up in the centre of the bay particularly?—Yes, it does.

218. With a powerful steamer, such as you have been in, could you make any

any way directly in the teeth of that south-west monsoon?—I think powerful steamers would make head against it; but there is a remedy for it; if at any time it did blow so hard, you might go to the southward assisted by canvass, and then you would get into the variable winds, and get up in that way; I presume you are alluding to making the passage to Bombay.

219. Do you think the passage might be made from Bombay direct to Socotra by a steamer in the south-west monsoon?—I think it might.

220. How would you make it?—On leaving Bombay harbour, I would endeavour to go direct for it; if I found we did not get a-head, I would go to the southward. It is a well-known fact, that the south-west monsoon does not blow strong till you get within 30 or 40 leagues of the coast of Bombay; you have very often fine weather 30 leagues off, and the instant you get in you have hard squalls and rain. I was in Bombay three years ago, from July to October, and almost every ship that came in I put the question to them as to what kind of weather they had had before they made the land, and I think nine out of ten said that they had fine weather within 40 leagues or 50 leagues of Bombay.

221. How many miles an hour, upon the average, do you suppose that a strong steamer would go against a south-west monsoon from Bombay to Socotra?—I think from four to five miles an hour in the strongest. I sailed on the 1st of October, but from the 15th of June to the 15th of August it is the hardest; July and the early part of August is the strongest part of the monsoon.

222. Mr. *Mullins.*] Do you think it would be advisable, in cases where you could go only at three or four knots an hour, to venture the direct passage, looking to the possible injury to the machinery?—I think you would get out of this violent weather by going a little out of the common route; you might angle it, so as to bring the wind four points, and five points in the bow.

223. Then you think it would be advisable to do so in place of going direct under such circumstances?—If the weather is such, that you are likely to injure your machinery; but from what I have seen of steamers in this country, I should not apprehend any difficulty at all against a monsoon, so hard as I have seen it in India.

224. *Chairman.*] You know that the distance is 1,200 miles?—It is about 1,260 I believe; I ought to mention that I am rather taken at a disadvantage to-day, not being aware that I should be examined, or I should have made myself master of the distances.

225. Mr. *Mullins.*] Suppose a vessel were to encounter a strong wind during the entire of her voyage between Bombay and Socotra, should you think it advisable to follow the direct route?—No, I would go to the southward.

226. Mr. *Crawford.*] Your direct course is to the westward of south, and in such weather you would make to the eastward of south?—Yes, I would go on the larboard tack; I would take the coastways first of all; we find no difficulty in the large 1,200 ton ships coming with a cotton cargo, which is a very unfavourable one for a ship against the wind, going down the coast on the larboard tack.

227. Mr. *Crawford.*] But the south-west monsoon is a fair wind when you get out of Bombay harbour, is it not?—Yes, but the wind blows in very hard, winds from west to east; but I would have no hesitation in going down the coast a little, and then branching off immediately.

228. *Chairman.*] You would go so far to the southward till the south-west was a fair wind for you?—Till the wind slackened a little; you never have the wind blowing so hard more than three days in the full and change.

229. How far south would you go; would you go as far south as Goa?—No, decidedly not; I am saying, if it is blowing hard, and the vessel is going out at the full or change, you do experience then hard squalls from west-south-west, and west-north-west.

230. Sir *J. Graham.*] Have you any experience with regard to the wear and tear of machinery in such a struggle as you have referred to, if protracted for many days?—No, we were 20 hours that occasion that I referred to; and once in the Monarch 20 hours; but there was not the least appearance of strain on the machinery, or of the vessel; I was quite astonished with the Clarence, the last vessel I was in, last February.

231. Did you make your passage throughout in the wind's eye?—As soon as

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we got round the Head the wind came to the southward, and it nearly came a-head; every point we came to the wind was directly a-head.

232. Did not they keep several points off the wind?—Never once; they headed it the whole way.

233. They did not keep her away at all?—Not at all; they did not appear to think anything of it; they said it did not blow very hard. I said there are colliers under close-reefed topsails. They said it was nothing to what they had had before.

234. What was the sea as compared with the Indian sea?—I should say the sea was quite equal to any sea you will meet with in the Indian sea, when we came round Flamborough Head.

235. Judging from what you then saw, you think that a steamer with equal power could, throughout her course from Bombay to Socotra, make four knots an hour?—I do.

236. As to the wear and tear upon the vessel and the machinery, you have no information resting upon your own experience?—No, I have none; but from what I saw, I should say that there can be but little fear of the machinery.

237. *Chairman.*] And notwithstanding that the voyage is as long as 1,200 miles, you still think that there would be no fear?—I do.

238. Mr. *Mullins.*] You have already mentioned that you would advise a southing?—If the vessel did not go a-head.

239. If she did go a-head ever so slowly, would you recommend her to sail direct?—Yes; I am almost sure that the vessel would go in face of the monsoon at any time; just in getting out of Bombay harbour at the full and change, when it blows hard for two or three days, you would be obliged to go to the southward.

240. Does your experience of steam machinery warrant you in asserting that no damage could arise from continual straining in hard weather in so long a voyage?—I have not experience enough to say completely; but from what I have seen I should think there is no difficulty.

241. Sir *J. Graham.*] You are not prepared to say that the passage might not be made more quickly by keeping the vessel three or four points from the wind by traverses?—For a day or two during the prevalence of those spring tides.

242. That would be a question of time?—Entirely.

243. *Chairman.*] And wear and tear?—Yes; perhaps the wear and tear is more material than the other.

244. Sir *J. Graham.*] It would make a great difference in the strain of the vessel whether she were kept five points off the wind, or went direct?—No doubt by making traverses you might ease the vessel considerably.

245. Mr. *Mullins.*] Have you ever visited the Island of Socotra?—Never.

246. Have you been in the Red Sea?—Never.

247. Sir *J. Graham.*] As to steamers going round the Point de Galle, have you no fear of any particular danger in those seas as affecting steam navigation?—There is a very strong current setting round there at times, which might make a difficulty in getting round; but they would go off to the southward, it might prolong them a day or two.

248. As to the gales in those seas which you traversed in steam-vessels, are they heavier than those in the Indian sea?—Not heavier.

249. Mr. *Mullins.*] Do you know anything of the passage between Ceylon and the main land?—No, I do not; but I should think there would be very little difficulty in a steamer going between the Bassas and the Island; I understand the question to be with reference to that. Ships never go withinside of those reefs that run out from the island, and I understood the question to be with reference to her going withinside. It is very possible for a steamer to go withinside of those.

250. Is it your opinion that it would be perfectly safe for a steamer?—Yes.

251. Have you visited Trincomalee?—Never.

Sir *David Dunn,* called in; and Examined.

Sir *David Dunn.*

252. *Chairman.*] HOW long have you been Post-captain in His Majesty's navy?—Going on 24 years.

253. When, and how long were you upon the Indian station?—About three years.

254. At what period?—From April 1832 to April 1835; I speak of being absolutely in India, at Trincomalee, during the time I have mentioned.

255. You are, of course, acquainted with the Bay of Bengal and the shore?—I was voyaging there the whole of the time.

256. Would there be any difficulty in a steamer making the passage from the Hoogly to Madras and Point de Galle in the south-west monsoon?—I should say none, judging of the power of steam in Europe, not of Indian steamers.

257. How would you make that passage?—I should say from the light-vessel to Point Palmyras, and from thence along the shore on to Madras, as close to the shore as possible.

258. Is there no difficulty between the light-vessel and Point Palmyras during the south-west monsoon?—I should say that the tug of the vessel would rest in making that passage of 60 or 80 miles, but I should not fear any steam-boat such as is navigated in Europe in not making it, particularly as she would not bow the sea; she would be on the larboard tack, perhaps fore and aft sails drawing.

259. Does the south monsoon blow home on the Coromandel coast?—Certainly not; across the Sand-heads it blows, because there is no high land there.

260. From the Point Palmyras to Madras the south-west monsoon does not blow home?—It does not; I have anchored in all parts of the coast in the height of the south-west monsoon.

261. From Madras to Point de Galle would be the same, would it?—Smoother, decidedly smoother, for the south-west wind would be blowing off Point de Galle and Ceylon.

262. Then the south-west monsoon in the Bay of Bengal opposes no obstacle whatever?—None to a steamer; I judge by the steamers in Europe, not by the steamers in India.

263. How many knots an hour do you suppose that a powerful steamer, take the Berenice, of 240 horse, and 700 tons, would be going this course in the south-west monsoon?—At starting from the light-vessel to Palmyras, I should say four or five knots an hour for that distance, whatever it is, 80 miles, I believe; from Palmyras to Madras I should say six; from Madras to Point de Galle seven or eight; under the lee of Ceylon smooth water.

264. Are there not occasionally gales of wind on that coast that do blow home?—The monsoon gales, that is, the periodical storms at the change of the monsoon, blow home most furiously, but they do not last more than 30 or 48 hours at the utmost.

265. Lord *Sandon.*] Are those so periodical that you can be aware of them beforehand, and avoid them?—Invariably, by the barometer.

266. So that no vessel need be exposed to them?—None; you may know them three or four days before they come; the barometer does not act quickly there generally, but on those storms invariably.

267. Sir *J. Graham.*] Are there harbours into which the Berenice could put between Madras and Point de Galle, and between Madras and Palmyras?—Between Madras and Point de Galle, Trincomalee; between Madras and Palmyras, none.

268. If she were caught in one of those monsoons which do blow home, would her fate be inevitable?—By making an offing of 100 miles, as we do under canvass, we find the wind very much less than towards the shore, and I should apprehend no danger by her lying-to; she must not attempt to proceed.

269. If she were caught close in, what must she do?—By the previous warning the barometer would give, if she were on the coast she ought to make an offing.

270. Her safety would depend upon her offing being secured before it blew hard?—I should say so; but the barometer invariably acts; we leave the roads under canvass, and ride the gale out by lying-to 100 or 120 miles out.

271. *Chairman.*] Is there any instance of a man-of-war having been lost in one of those gales?—I believe the Dover, commanded by Sir Edward Tucker, was stranded there in a monsoon gale at the period of the expedition to Java.

272. In the north-east monsoon, is there any difficulty whatever in the Bay of Bengal?—None whatever.

273. It is a still monsoon in comparison with the south-west, is it?—The power of the wind is by no means so strong as the south-west.

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274. How many knots could you go against the north-east monsoon?—I should say, averaging six or seven.

275. Are you acquainted with the harbour of Point de Galle?—No, I am not.

276. Do you know anything respecting it from report; you must have heard from the officers of the navy, whether steamers could make use of it as a port?—I have always understood that it was admirably adapted for steamers.

277. For the repair of steamers, would not Trincomalee afford every sort of convenience and advantage?—I should say, decidedly.

278. Is there a King's dock-yard there?—There are ample means if artificers are sent; the accommodation is ample.

279. Mr. *Crawford.*] Do you happen to know why artificers are not kept there?—Owing to the foreign dock-yards being reduced to certain establishments, and that among the rest.

280. Have you ever heard it attributed to the unhealthiness of Trincomalee?—Never; and of late years Trincomalee has decidedly improved in that respect.

281. From what cause?—They have opened a road from the Candian country to Trincomalee, and the jungle immediately adjoining Trincomalee has been cleared away very extensively, and has added much to the healthiness of the place.

282. Is there a rising and falling tide there?—About three feet, not more than three feet.

283. *Chairman.*] What is your opinion of the practicability of making the passage from Point de Galle to Socotra, in the south-west monsoon?—I should say in the strength of the south-west monsoon there might be a difficulty in rounding Point de Galle by keeping in the current, but, perhaps, by going inside the Bassas, the passage might be made even in the teeth of the south-west monsoon; the Bassas are the shoals that lie off, but the rush of current from the Malabar coast in coming into Bengal is to be avoided.

284. Sir *J. Graham.*] How many knots does that run?—I have experienced from two to three and a half; I have heard it stated more, but have myself experienced that.

285. Does it vary, or is it uniform?—In the height of the south-west monsoon is it steady for six weeks or two months of the fury of the monsoon, but it falls off rapidly and changes prior to the change of the north-east monsoon. In the event of not being able to force a passage close in by Point de Galle, the difficulty, in my mind, can be obviated by making an offing on the starboard tack of 100 or 150 miles to a low northern latitude, and then going on the larboard tack with canvass set, I should conceive, steering for Socotra. Socotra I have never been at; I have no personal experience of Socotra.

286. Mr. *Crawford.*] Do I understand you as supposing such weather as would render the calling of the steamer at Point de Galle impracticable?—Not of calling, but of rounding Point de Galle. In the event of the current being too strong for that six weeks or two months (for I do not think that it is longer than that), in that case I recommend the going under canvass on the starboard tack, and making an offing 100 or 150 miles, and so keep out of the current with a regular sea, not a chopping sea, and you would fetch Socotra even if your machinery broke, I conceive.

287. Lord *Sandon.*] Should you go to the south of the Maldives?—Yes, perhaps; as I drew off from Point de Galle, the wind might draw to the southward, I would lie south-east, and when I had made offing and the wind had headed me, I conceive that I might weather the Maldives; I would stand on for Socotra under canvass and steam. I have no personal experience of being at Socotra; my experience is entirely confined to the Malabar coast.

288. Sir *J. Graham.*] Have you much experience of the sea to the westward of Point de Galle?—I have crossed that about six times.

289. How far to the northward have you been towards the Persian Gulf?—In coming from Batavia to Bombay, through the straits of Sunda, I rounded Point de Galle about 120 miles or perhaps 150 miles.

290. Do you think in Europe we have any experience of steam navigation of such length and such difficulty, considering the strength of the currents, as the passage between Socotra and Trincomalee, rounding Point de Galle?—Yes; I conceive the passage from Falmouth to Gibraltar, in the winter months, to be quite equal to that passage.

291. Bearing in your mind the currents of the monsoon and the sea, such as you have seen it?—The currents can be avoided, by making the offing that I speak of.

292. Do you think the whole passage across the bay from Falmouth to Gibraltar is formidable?—Quite; I have no personal experience of those long voyages, but from what I have seen in winter passages, in steamers of 160-horse power, I should say quite.

293. The distance is greater, is it not, from Socotra to Trincomalee, rounding the Maldives in the way you recommend, than from Falmouth to Gibraltar?—I should say greater, certainly.

294. With regard to the sea?—The sea is not equal, in my mind, to what is encountered in the winter in the Bay of Biscay, and off the coast of Portugal round Cape St. Vincent, and on to Gibraltar.

295. Did you encounter any bad weather in those six voyages that you made yourself in those seas?—It is squally and unsettled weather in the south-west monsoon always; but when the squalls blow over, a calm almost always intervenes for a short time.

296. But in those European seas you have seen many gales; in those six voyages in India, do you consider that you saw heavy weather or not?—I conceive that the passage from Falmouth to Gibraltar in the wintry weather is far more severe than any weather I ever experienced in India in the south-west monsoon.

297. Lord *Sandon.*] Were all those six voyages in the south-west monsoon?—No, two of them.

298. Sir *J. Graham.*] Was it ordinary weather in those cases?—Double-reefed topsail weather.

299. You have seen something more formidable than that in the European seas?—A great deal.

300. Have you reason to believe that there is never anything more formidable than what you encountered in those six voyages?—I have heard of it being more severe, but I have rarely been in weather in India more than treble-reefed topsails.

301. And the information which you have received from your brother officers leads you to believe that that is rarely experienced?—What I have experienced is double and treble reefed; I have heard of close reefed, but I have never experienced that, excepting once.

302. Your information and experience would lead you to believe that the worst weather in the Indian seas is not so bad as the winter gales prevalent in the Bay of Biscay?—Certainly.

303. That is the result both of your experience and inquiry of your brother officers?—That is the conviction of my mind from what I have heard.

304. Sir *J. Hobhouse.*] Nor the navigation in other respects of the Indian seas more difficult?—By no means so difficult.

305. *Chairman.*] In going to the southward, the distance where you would encounter bad weather, and a strong current, is confined to that 100 or 150 miles, is it not?—I confine my observations as to the strength of the current and the power of the wind in the south-west monsoon to the distance of 100 or 150 miles from the Bassas.

306. How many knots an hour should you go those 150 miles with a powerful steamer such as the Berenice?—Going on the starboard tack under canvass and steam, I should say for the 100 or 150 miles, she would average five knots an hour.

307. Then, what course would you take when you had got 150 miles?—I would then go on the arboard tack, under steam and canvass, as near as she would lie to the wind, taking it for granted the wind would be to the southward; south-west, perhaps south-south-west at that distance from the land.

308. How many knots an hour should you make then?—I should say, averaging six or seven.

309. If your machinery broke could you make a sailing passage of it?—I should think the passage might be effected under canvass in the event of the machinery breaking.

310. Sir *T. Troubridge.*] Always speaking of Socotra?—I have no personal knowledge of Socotra.

311. Mr. *Crawford.*] Do you still consider that you should not have occa-

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sion to go to the south of the Line; you said that you would have a low northern latitude?—I conceive that I should have no occasion to go to the southward of the Line to effect my passage; I might pass to the southward, but if not, the passage is free between the islands, and smooth water the whole of the way; in the event of not passing to the southward of the Maldives, I should say the eight-degree channel.

312. Lord *Sandon.*] The Maldives giving you a shelter from the violence of the monsoon?—Yes.

313. *Chairman.*] How many knots an hour could you go making a direct passage from Galle?—Going in the teeth of the south-west monsoon, I should shape my course for the eight-degree channel, Maldives and Laccadives, and I think under steam I could make three or four miles an hour against wind and current.

314. Sir *J. Graham.*] What European experience leads you to think that any steamer you have seen could make three knots an hour against the wind you have seen, and the current you have described?—I judge from a steamer from Londonderry to Liverpool of 160-horse power; from what I have seen, I judge that a vessel of 200 or 250-horse power would do that.

315. The experience here is only against wind; have you any experience of a steamer against current combined with wind still making head at the rate of three knots an hour?—By passing close to the land at Point de Galle, I conceive that the power of current would be neutralized, and consequently, that there would be merely the wind to encounter.

316. When you describe the current as running two or three miles an hour, that is outside the Bassas, and not inside?—Outside the Bassas.

317. Is there a current in the inside channel?—I should say much less than outside the Bassas.

318. What would you put that current at inside at the height of the monsoon?—Perhaps two miles an hour.

319. Have we European experience of such a current with such a wind as the monsoon, and any steamer making head at the rate of three or four knots an hour against it?—The power of the monsoon, such as I have experienced, being from double-reefed topsails to treble-reefed topsails, and the current reduced to two knots an hour, I conceive that the steamer that I have had experience in would make a successful passage.

320. *Chairman.*] How many knots an hour, did you say?—Three knots.

321. How far would that three knots an hour be?—I should confine that current to the distance of 60 or 80 miles from Point de Galle.

322. You are going through the eight-degree channel, are you not?—Yes; no sailing ship ever passes withinside of the Bassas that I know of.

323. If the point of destination were Point de Galle?—In that case the Bassas would be out of the question.

324. Sir *J. Hobhouse.*] Have you had much experience in steam navigation; have you been very often on board steam vessels?—Twelve or fourteen voyages.

325. Sir *J. Graham.*] In what seas?—From Liverpool to Dublin; from Liverpool to Belfast; from Liverpool to Londonderry; at all seasons.

326. You have no experience except in the narrow seas round England?—None.

327. Sir *T. Troubridge.*] Have you made the passage of the eight or nine-degree channel from Point de Galle?—No.

328. Sir *J. Graham.*] Have you experience to the westward of the Maldives and the Laccadives?—No.

329. Mr. *Mullins.*] Have you sufficient experience of the effects of the south-west monsoon to enable you to judge of its effects in the passage between Socotra and Point de Galle?—I confine my experience to 100 miles from Point de Galle, in the south-west monsoon.

330. Sir *J. Graham.*] Then as to the monsoon between Socotra and the Maldives and Laccadives, you have no personal experience whatever?—None whatever, of my own knowledge.

331. *Chairman.*] In what direction, by compass, is that 100 miles, that you would go in rounding Point de Galle?—I should say, from south-west to west-south-west.

332. Was that in the south-west monsoon?—Yes.

333. Mr. *Mullins.*] Have you ever understood that the south-west monsoon blows with greater force, within 100 or 150 miles of the Malabar coast, than

than at a greater distance from it?—I have always considered the strength of the south-west monsoon to be greater from 100 to 150 miles off the Malabar coast than at a greater distance.

334. Mr. *Bagshaw.*] So that the same rule would govern a vessel going to Socotra as to Bombay, with regard to the monsoon; the monsoon blows steadily from the south-west?—Always.

335. Therefore you would have no objection to navigate a vessel with the experience you possess, from Point de Galle to Socotra?—None whatever.

336. Sir *J. Graham.*] A sailing vessel, none?—I confine my observations to a sailing vessel; I have no experience of steam, except as a passenger.

337. Mr. *Mullins.*] In fact, you have been in that part of the sea where the south-west monsoon blows with the strongest force, or is generally supposed to blow with the strongest force?—Yes.

338. *Chairman.*] Going direct from Point de Galle to Socotra, could you carry sail?—I should say not.

339. Is the wind as unfavourable that way as it is from Socotra to Bombay?—No; from Bombay to Socotra, I should say the wind was immediately in our face; and from Galle to Socotra, I should think the wind would be three or four points on the larboard bow, merely judging from the south-west monsoon blowing, and the number of hundred miles between Bombay and Point de Galle.

340. What difference do you think those three or four points of the compass would give you over the vessel that had the wind dead on end?—I should say two miles an hour at least.

341. Do you think the passage could be made from Bombay to Socotra with the wind dead on end, in the south-west monsoon, in a steamer like the Berenice?—I should think the distance too great for a steamer to make that voyage in the face of the south-west monsoon, but the impression on my mind is, that a steamer can always make an offing from Bombay harbour at any time of the monsoon.

342. Sir *J. Graham.*] By bearing to the southward?—I mean, making the distance of 60 or 80 miles, and then shaping her course along the Malabar coast.

343. To the southward?—To the southward.

344. *Chairman.*] Why do you say the distance would be too great?—I think the distance is 1,200 miles, or about that; the quantity of coal required for that voyage, I should imagine, would be too much for any steamer that I have any knowledge of.

345. How many knots an hour do you suppose that she would be able to go with the wind dead on end?—My knowledge of the south-west monsoon is confined to within 100 miles of the Malabar coast; I should say that she would make that distance two and a half and three miles an hour, perhaps more.

346. Would the force of the monsoon increase or decrease as you go to the westward?—Decrease; I confine my observation to the fury of the south-west gale; in getting out of Bombay harbour we invariably find the force of the wind lessen as we get out, and to pass down the Malabar coast we have the wind abeam, rarely before it.

347. If any accident happened to her machinery she would, of course, be obliged to go back to Bombay?—As a matter of course; there is no alternative.

348. Supposing the fury of the south-west monsoon to prevent her from making the direct passage, even in case she was obliged to make an offing to the southward, when she took her course again for Socotra, would she be in as favourable a position as a steamer going through the eight-degree channel; would she have as many points of the wind in her favour?—I conceive that a steamer making a voyage from Bombay to the southward on the Malabar coast, would fetch to the westward of the Maldives and Laccadives, and consequently, would be on a par with the Point de Galle steamer passing through that passage.

349. You mean that she would fall into the same track?—Yes, meet to the westward of the Maldives and the Laccadives.

350. Then the distance that each would have to run would be about the same, would it?—I conceive that the distance from Bombay to the westward of the Maldives and Laccadives would be greater than the distance that the steamer

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steamer going through the eight-degree channel meeting there at that point would have to run.

351. Has not the moon an effect on the wind under the Line?—In the full and change of the moon we find the south-west monsoon very squally; even in the quartering of the moon we find it always unsettled.

352. Sir *T. Troubridge.*] What notice does the barometer give you on the east coast of Ceylon of an approaching gale?—I have known three or four days' notice, but generally two.

353. That is to say, by continual fallings?—Yes; Sir John Gore ordered me to proceed on board and take command of the squadron, in the event of the barometer falling more, and that was two or three days prior to the blowing.

354. Mr. *Bagshaw.*] In this long distance between Point de Galle and Socotra, going the course that you recommend, would you steam the whole of that long distance?—I take it for granted that the fore and aft sails would draw, perhaps during the whole passage; but my experience is confined to 100 miles of Point de Galle.

355. Mr. *Mullins.*] Should you think that it would be advisable to employ steamers between Calcutta and Suez of a less tonnage than 1,000 tons, or of less horse power than 250-horse power?—I should say the larger the steamer the better, judging from the first class steamers of this country.

356. You think that they could make better headway in the case of the south-west monsoon blowing with its greatest force, than smaller steam vessels?—Certainly.

357. Mr. *Crawford.*] In consequence of the greater power?—They are more steady particularly with the wind a-head.

358. Sir *J. Hobhouse.*] Then it is your decided opinion that a steamer would not be able to carry coals to enable her to go direct from Bombay to Socotra, from what you have seen of steamers?—From what I have seen, I should fear that she could not go that distance.

Lieutenant *Wellstead,* called in; and Examined.

Lieut. *Wellstead.*

359. *Chairman.*] ARE you a Lieutenant in the Bombay navy?—I am.

360. Were you employed by the government of Bombay to survey the Island of Socotra?—I was.

361. How long were you there?—On the first occasion two months, on the subsequent occasion six months.

362. Were you employed in conjunction with Lieutenant Haynes of the Bombay marines?—I was.

363. In what year?—In 1834.

364. Are there any harbours or anchoring grounds in Socotra, where a vessel may lie in safety the two monsoons?—There are two harbours in Socotra, one of which is available in the north-east monsoon, and one of which is available in the south-west monsoon, but there is no single harbour which is sheltered at all seasons.

365. What are they called?—The two harbours are Bunder Delechee, which is available in the south-west monsoon, and which is on the north-eastern side of the island; and the other, Goobet Gollonsier on the north-west.

366. Is there a complete shelter for steamers in those bays?—There is.

367. Is there any swell that would make it difficult to take off coals from shore?—Not the least, it is perfectly smooth water.

368. How near could vessels lie to the shore?—In either case, about a quarter of a mile from the shore.

369. Sir *T. Troubridge.*] An open roadstead, or a harbour?—A harbour.

370. Easy of access for any sized vessel?—Yes.

371. *Chairman.*] Is there any water near there?—Fresh water can be obtained from both of them within a short distance.

372. Good water?—Good water.

373. Then, as a depôt for coals, these harbours are complete?—They are, with this exception, that it would be necessary to shift the hulks from the one to the other at the change of the season, provided hulks were used.

374. Sir *T. Troubridge.*] Are there any dangers at all in the environs of Socotra, rocks or shoals?—None.

375. *Chairman.*]

375. *Chairman.*] Were you there at the time the detachment was there?—I was.

376. Do you know the reason why the detachment left the island?—The detachment left the island in consequence of the insalubrity of the station which they occupied.

377. Sir *J. Hobhouse.*] Do you think that that insalubrity applies to tha station only, or to other parts of the island?—It does not apply to the mountains, which are over the station.

378. Sir *T. Troubridge.*] But the establishment for the supply of those vessels must be upon the coast?—If you have a hulk, there is no occasion for any establishment.

379. If there is to be a depôt there, the arrangements must be on the beach?—Yes, but the natives can always shift and unshift the coals; I do not consider that it is necessary to have the troops near the shore, the troops might be kept on the higher ground. Of the first detachment that was sent there, nearly the whole of the Europeans died; they were encamped in a plain at the base of those mountains, and there was a considerable quantity of water; it was a marshy kind of ground; there is a good deal of vegetation there, and the face of the country is the same as that of Africa. When the second detachment came to the island, the officers marched them from the sea-beach directly to the mountains, and did not halt at the beach, and they found it as healthy as in England.

380. Lord *Sandon.*] About what distance are the mountains from the beach?—About seven miles.

381. Sir *J. Hobhouse.*] How long did they remain in the island?—About six months.

382. During that time they were not affected by the climate?—No.

383. Lord *Sandon.*] Were they there at the same period of the year as the ormer detachment?—No, but it was equally unhealthy.

384. Sir *J. Hobhouse.*] Did you ever make the passage from Socotra to Bombay?—I have been from Bombay to Socotra.

385. Have you been often?—Three times.

386. Did you ever go during the south-west monsoon?—Yes; not landing at Socotra, but touching Socotra.

387. By steam?—No, in a sailing vessel; never in a steamer.

388. Was each of those times, or one of those times, during the south-west monsoon?—One of those times, the last.

389. How long were you going?—Thirty-seven days to Mocha, which is the lower part, just within the entrance of the Red Sea.

390. *Chairman.*] How long were you going to the longitude of Socotra?—We pursue a very peculiar route, which can be scarcely conveyed in words. The sailing vessels never attempt to go direct across, but, in place of that, they run down to the southward of the Line, about nine degrees south; then we get the south-east trade, and shape our course to the westward by the Sechells, run into about the longitude of Socotra, and then go due north for Cape Guardafui.

391. Sir *T. Troubridge.*] You go to the westward of the Maldives?—Yes.

392. What time does it occupy?—The average voyage would be about 40 days in a good sailing vessel.

393. To Mocha?—Yes.

394. To Cape Guardafui?—I cannot tell.

395. How long does it take from Mocha to Cape Guardafui?—About 10 days.

396. Sir *J. Hobhouse.*] You never made that passage in a steamer?—No; in one of the Company's vessels of war, a 10-gun frigate.

397. Sir *T. Troubridge.*] What weather did you experience?—We took in a reef leaving Bombay, but shook it out soon after.

398. On the whole, had you fine weather or bad?—That is indicative of the finest weather you can have; that sort of weather in which a boat could have made the passage.

399. Speaking generally, you had fine weather the whole of the way?—Yes.

400. *Chairman.*] But in the south-west monsoon?—Yes. I will mention one fact which is the strongest that can be given, I think, in proof of what steamers might be supposed to do. If a question is put to any seaman, Can a steamer proceed in that direction where a sailing vessel would require to beat to windward?

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ward? they would answer, It can. Our vessels have gone across the Arabian Sea, from Bombay to Muscat, at all seasons of the year, and the average passage is 21 days.

401. Sir *J. Hobhouse.*] Even during the south-west monsoon?—Yes; that is, directly against the south-west monsoon.

402. Sir *T. Troubridge.*] What are the difficulties from Muscat to Socotra?—You have the same monsoon against you the whole way.

403. Have you any experience on that coast?—No; no vessel goes along that coast, it is a dead lee shore; we find the wind directly against us going from Bombay to Muscat: I adduce that to prove that there is more importance attached to the south-west monsoon than it deserves; if our sailing vessels can beat against that, what is to prevent steamers going.

404. Do you believe the south-west monsoon to be stronger in the northern part of the Arabian Gulf than it is in the parallel of the eight-degree channel?—It is not nearly so strong in the eight-degree channel; as you approach the Line its force weakens.

405. Sir *J. Hobhouse.*] Do you think that there would be any difficulty in a steamer of the size of the steamer that the East India Company have lately built, passing during the south-west monsoon from Bombay to Socotra?—I conceive that there would be no difficulty.

406. Lord *Sandon.*] Pursuing what course?—Quitting Bombay, I should put her upon the starboard tack, set the sails, and run down to eight or nine degrees north of the Line, where the force of the monsoon is considerably lessened; thence I would proceed direct to the westward by steam into about 52 longitude, and then shape the course for Cape Guardafui.

407. Sir *J. Hobhouse.*] How long would a steam-boat so going occupy?—That requires calculation, which I will go into and give in another day.

408. *Chairman.*] At some period of the monsoon would it be practicable to go direct from Bombay to Socotra?—Yes, at some periods; I would not attempt it at the height of the monsoon.

409. Fox six weeks?—Longer, two months; but it is found in the Mediterranean that they never put their heads directly against it when they can help it; they encounter it three points from the wind, and they find they make better way by it.

410. Sir *J. Hobhouse.*] Have you had much experience of steam-vessels?—Not much; I never belonged to one. I came overland from India, and in one by the Mediterranean.

411. *Chairman.*] The opinion of the persons in India is very much altered as to the possibility of making this passage, is it not?—Very much, indeed.

412. Mr. *Bagshaw.*] Have you had any experience in the Bay of Bengal?—Not so much as in the Red Sea.

413. Have you been up to Calcutta?—Yes.

414. Along the coast of Coromandel?—Yes.

415. Lord *Sandon.*] Did you ever face the south-west monsoon?—I once came round.

416. Sir *T. Troubridge.*] Have you any experience of making the passage by the coast?—No.

417. Are you acquainted with the passage from Point de Galle to the Red Sea?—No; except being acquainted with the state of the weather off the Maldives.

418. Lord *Sandon.*] Should you conceive that there was any difficulty in going from Point de Galle in the south-west monsoon towards Socotra?—Not if they adopt the course which I propose, to get more to the westward before they go to the north.

419. Would you take them through the eight-degree channel?—I conceive so, that would be the best.

420. Sir *T. Troubridge.*] Have you ever been through yourself?—Yes.

421. *Chairman.*] Are you acquainted with the island of Abdalkoory on the southern coast of Arabia?—It had not been surveyed when I quitted the coast, but a survey has since been made of it; the report has not arrived.

422. Do you know whether it is favourable as a depôt or not?—That I cannot answer.

423. Macullah, are you acquainted with?—Very well, indeed.

424. Is it fit for a depôt?—In the north-east monsoon it is the most admirable that can be selected; but in the south-west it cannot be approached.

425. What

425. What is your opinion of Aden?—Aden also would answer very well for a depôt in both monsoons.

426. How does it happen to serve for both monsoons?—It has two harbours.

427. Sir *T. Troubridge.*] How far to the westward of Socotra does the south-west monsoon extend?—As far on the Arabian coast as the port of Aden.

428. How far from the Arabian coast within the Gulf of Aden?—Nearly mid-channel; but by keeping on the African coast the monsoon is avoided, and smooth water is obtained.

429. Lord *Sandon.*] Then, from Cape Guardafui to the Straits of Babelmandel, you might sail in perfectly smooth water by keeping along the African shore?—Perfectly.

430. Then there would be a reason for not looking to the Arabian shore at all for a depôt for coals?—In the south-west monsoon you cannot look to the Arabian coast for coals.

431. *Chairman.*] If you have a depôt at Socotra, you will stand in need of no depôt whatever on the Arabian coast outside of the Straits of Coromandel?—That is my opinion.

432. Have you any doubt of Socotra?—I have mentioned the doubt whether the seas were not too heavy for steamers, but that opinion gives way to the opinion of others, that the sea is not too heavy for steamers.

433. Sir *T. Troubridge.*] Is it a short chopping sea?—It is a meeting of seas.

434. Lord *Sandon.*] Are the principal dangers of the sea to the east and west of Socotra?—We generally pass to the northward of it, where we experience the swell.

435. *Chairman.*] What are the objections to Tamarinda Bay?—In the north-east monsoon the heaviness of the swell producing a dangerous surf from the sea beach, and rendering landing at most seasons almost impracticable. In the south-west monsoon it is equally bad anchorage, in consequence of the holding ground being very indifferent, and the violence of the gusts that sweep from the mountains.

436. Why is the other bay free from the same objection, both being under the lee of the island?—Bunder Delechee is sheltered from the violence of the south-westerly winds by the mountains that rise up close by the shore; calms and light breezes prevailing there when violent gusts are experienced in Tamarinda Bay. Goobet Gollonsier is sheltered from the north-east monsoon and swell by the projecting point affording every necessary degree of shelter to vessels lying there at that period.

437. Were you, for any length of time, employed in the Red Sea under the orders of the Bombay government?—I was employed for three years in the survey of the Red Sea, under the orders of the Bombay government.

438. When was that?—In 1830, 1831 and 1832.

439. Are you acquainted with the whole of it?—I am.

440. Is there any difficulty in a steamer of power like the Berenice, going through the Straits of Babelmandel?—Not the least.

441. Is there any difficulty from thence to Suez?—None.

442. At no season of the year?—No.

443. Are the winds in the Red Sea less strong than the south-west monsoon in the Arabian Sea?—About the same strength.

444. With respect to steamers, you think that steamers in the Red Sea should be of the same power as those without?—I do.

445. What is your opinion of Mocha as a station?—That it cannot be made available as a station; I speak most decidedly; for during nine months of the year the southerly winds blow with such violence that you can only communicate with the shore at intervals, and it is an open roadstead.

446. Which do you think the best station between Socotra and Suez?—The island of Camaran, which is a good harbour, is partially susceptible of cultivation; has great advantage in its insular position, which should not be forgotten; where you have anything to do with the Arabs, you will find it much better to be upon an island than to be upon the main land; and five fathoms of water between the island and the main.

447. Sir *T. Troubridge.*] Is there any difficulty in the navigation into this harbour?—Not any.

448. Is there any lighthouse?—No.

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449. Is it necessary to have one?—Should it be made a permanent station, it might be considered advisable to have a lighthouse.

450. Lord *Sandon.*] Is the weather very hazy?—Sometimes.

451. Is the climate healthy?—I do not consider any part of the southern part of the Red Sea is healthy; people there are subject to a kind of dropsy, which affects all the extremities.

452. Sir *T. Troubridge.*] Is the anchorage safe after you have got through the channel?—It is sheltered from all winds.

453. Lord *Sandon.*] Is there any difficulty in approaching it at all winds?—No.

454. Sir *T. Troubridge.*] What is the width of the channel?—As far as I recollect, about a mile and a half broad.

455. Lord *Sandon.*] What is the formation of the island?—Like all those islands, principally of shelly limestone.

456. Is there water upon the island?—Very good water; that island has been always considered as a point of great importance; when the Portuguese first went to the Red Sea it attracted their attention, and during the time that the French were in Egypt a mission was also sent to examine it.

457. Is it peopled at all?—It has a few inhabitants.

458. Is its soil capable of cultivation, and of containing a larger population, in case a depôt were fixed there?—Yes.

459. *Chairman.*] Is it high ground?—No, rather flat and low.

460. Lord *Sandon.*] Is it based upon coral?—Coral enters very largely into the formation of all those islands.

461. Mr. *Mullins.*] Is it not equidistant from Suez and Socotra?—I do not know that, but I should imagine it is not very far from being so.

462. Sir *T. Troubridge.*] You spoke of five fathoms, is it five fathoms low water?—There is very little rise and fall of the tide.

463. Lord *Sandon.*] Two feet?—Rather more; the difference between high and low water is between three and four feet.

464. Sir *T. Troubridge.*] What are the prevailing winds in the Red Sea?—The north-westerly winds prevail throughout the year in the northern portion; but in the months of July, August and September they are at their height, and frequently then blow the whole distance of the sea to Mocha. Southerly winds prevail in the southern portion for nine months of the year, blowing near the entrance of the Straits of Babelmandel with equal violence with the north-westerly breezes in the upper portion of the sea. The space equidistant from either extremity of the sea is left subject to calms and variable winds, excepting when the southerly winds blow strongly in September, October and November, when they not unfrequently blow home to Suez.

465. Are there any currents?—The currents in the Red Sea are not of sufficient importance to attract much attention as regards steam navigation.

466. The information which you have given the Committee is entirely from experience?—It is.

467. Both as to Camaran and the winds?—Yes.

468. *Chairman.*] How far are the following places on the coast eligible as depôts: Hodeida?—Open roadstead; very indifferent.

469. Soheia?—Objectionable, in consequence of the shallowness of the water.

470. Camfida?—Also indifferent anchorage.

471. Jidda?—Jidda has been hitherto used as a coal depôt; and I see no other objection to it than that which occurs to any other port in the Red Sea, that it is a port fronted by almost innumerable coral rocks, so that you cannot get in at night time.

472. Yambo?—Yambo would make a good depôt.

473. Mr. *Mullins.*] Is it your opinion that Camaran is the best depôt of all those that have been named in the Red Sea?—Decidedly; a glance at the chart will show that there are no reefs fronting this part of the coast, and having a depôt there, we should not be subjected to any annoyances from the Arabs, which I look upon as unavoidable in every station on the shore; and also, it is a central position between Suez and Socotra.

474. *Chairman.*] On the western coast of the Red Sea are there any ports?—There are several ports on the western shore, but I would avoid that shore.

475. Why?—Because the navigation is more intricate and more dangerous.

476. Lord *Sandon.*] As regards the winds, are the two shores equally advantageous?—

tageous?—The winds blow up and down the sea, so that it makes very little difference.

477. *Chairman.*] In case the plague, or war, should at any time interrupt the passage through Egypt, is there any other course by which the communication could be kept up by the Red Sea with which you are acquainted, or about which you have made inquiries?—I would beg to draw the attention of the Committee to the old and now almost forgotten route by way of the Gulf of Akkaba to Garsa; a Roman road formerly extended between those two points, and a communication by this route might be obtained when it might be found impracticable through Egypt. There is an anchorage near the northern extremity of this sea, under a small island.

478. Lord *Sandon.*] Is there any difficulty in navigating that part of the Red Sea?—It cannot be navigated but by steam, that gulf.

479. What width?—Ten to 12 miles, but has no good anchorages.

480. Mr. *Mullins.*] Have you any knowledge as to whether there are wells across the desert from that point to the coast?—To my knowledge that route has not been traversed by any European.

481. *Chairman.*] During the three years when you were in the Red Sea, was there any occasion when the plague would have interrupted the intercourse by the Red Sea?—Not once.

482. Mr. *Mullins.*] From the result of your examination, which of the two ports should you prefer, Suez or Cosseir, for the convenience of passengers, and also for celerity?—Suez.

483. Lord *Sandon.*] You say that no interruption to the communication during those three years took place on account of the plague, was that on account of any extra cessation of the plague during those three years?—It might have been owing to that, but the caravan travels at all periods with pilgrims, whether the plague prevails in Egypt or not, between Cairo and Mecca; and yet, as far as my inquiries have gone, I never could find that it had more than once visited the Hedjehz.

484. What are the Hedjehz?—Places in which the holy cities of Mecca and Medina are situated.

485. Travellers would be exposed, however small you may estimate the risk, to the plague at certain seasons of the year, in passing from Alexandria to Suez?—Whenever it exists of course there will be a risk.

486. Is there a probability that, if the current of communication through Egypt by the Red Sea were to become more frequent, the plague would be transmitted beyond its present limits?—I do not think there is; the previous question would show that it seldom leaves the immediate vicinity of Cairo and other cities in Egypt; it does not extend to the desert; it never accompanies the pilgrims; the previous question and answer will be received as a strong corroboration of this.

487. Mr. *Mullins.*] Have you ever been between Suez and Cairo?—Yes, several times.

488. Is there any facility for obtaining water?—No; there is some water about 12 miles from Suez, but very bad.

489. You do not consider that that would present an obstacle to the conveyance of passengers?—Not the least.

490. *Chairman.*] If the steamers were regular, and of sufficient capacity to take that cargo, do you think that there would be any freight for them to India?—It would take some time to divert it from its present channel; but eventually I have no doubt that they would receive a large amount.

491. What is its present channel?—It is in the hands of natives, who would view our interference with great jealousy.

492. You mean that there is a traffic, but that the article would still go in the native vessels, instead of in the steamer?—Exactly.

493. Lord *Sandon.*] Do you suppose that the pilgrims would make use of the steamers?—The rich pilgrims would, I have no doubt, in a short time.

Lunæ, 26° *die Junii*, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Mr. Mullins.
Lord William Bentinck.	Lord Viscount Sandon.
Mr. Crawford.	Mr. Williams Wynn.
Mr. Robert Gordon.	Mr. G. F. Young.
Sir J. Hobhouse.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

Thomas Love Peacock, Esq. called in; and Examined.

T. L. Peacock, Esq.

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494. *Chairman.*] WHAT are you?—I am Examiner of India Correspondence.

495. You are particularly conversant with the subject of steam navigation to India?—I have paid a good deal of attention to it.

496. You were examined in 1834?—Yes, and in 1832.

497. You then gave it as your opinion, that for carrying into effect the communication with the Red Sea by steam, four vessels of 200-horse power, with a proportionate tonnage of three to one, would be required?—The proportion of tonnage to power.

498. That is, with Bombay?—With Bombay, I think that is rather too few than too many.

499. You gave that as your opinion then?—Yes.

500. Do you think any additional number will be necessary, or does your opinion remain the same upon that point?—I think it would be better to have five, and for these reasons: I find that the Mediterranean packets, at the time I looked at the establishment last, which is some time ago, however, but I believe it is the same now, required four to carry on the communication with Corfu. The vessel that left Falmouth on the 1st of January left it again on the 1st of May, and in the same order on the 1st of February and the 1st of June. That is about 16,000 nautic miles; three voyages in the year to Malta, Corfu and back. Of course those four vessels amongst them, performed in the year 64,000 miles. Now, the 12 voyages from Bombay to Suez and back are 72,000 nautic miles, and considering the great superiority of the means of repair which the Mediterranean packets have to those which the Indian steam vessels can possibly have, I should think that 16,000 miles a year would be the maximum of the possibility of their performance, one year with another, for any length of time each. Therefore, less than five steamers would scarcely perform the work. I find also that the great Scotch steam packets, which are vessels of great power, which run about two days of every week, and rest five, coming at each end of their voyage into a port of repair after every run of between 400 and 500 miles, perform only one run each way in the week, which is somewhat more; it is between 20,000 and 25,000 miles in the year, that is the maximum of their performance; but I think it cannot be taken as the basis of calculation for a long sea voyage; the Mediterranean packets are the only guides that we have as yet to go by. Besides, Captain Wilson has given it as his opinion to the Bombay government, that the Hugh Lindsay packet is only equal to two Red Sea voyages in the year, that is, 12,000 miles. It will, therefore, require six Hugh Lindsays to carry on the voyage between Bombay and Suez.

501. Lord Viscount *Sandon.*] The Hugh Lindsay is not the standard to go by?—That is the only vessel the Indian government have, to which they can say, Go to a certain point and come back; she is the only vessel that has been able to do that. She is a very strong vessel, well built, and has very great power, which is the only great advantage she has; she was only built to carry five days' coal, and she has carried 10 or 12.

502. *Chairman.*] Would you propose that each of these vessels should make the voyage out and home, or be relieved in the Red Sea?—There is an advantage in changing

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changing the vessel, provided it can be done in a port of repair, but not otherwise; but if it were relieved in the Red Sea, I should think it should be relieved by a vessel of precisely the same tonnage and power.

503. I suppose you would be of opinion that all the vessels should be of exactly the same tonnage and power, exact copies of each other?—Yes, exact copies of each other.

504. That all the machinery should be the same?—Yes.

505. And suit each other?—Yes; there would be a great advantage in having one vessel quite cool and clean, and ready loaded with coal, to start immediately on the other's arrival.

506. Lord Viscount *Sandon.*] Supposing no goods were carried?—Yes; and the passengers' luggage would be very small, and they would go into precisely the same cabins, they being precisely the same vessels; but if they go out of such a vessel as the Berenice into such a vessel as the Hugh Lindsay, they will not find the same accommodation, nor any accommodation for the same number of persons.

507. I think, in making the inquiry, we must assume that all the vessels are of the same power, and equal to the best of the two vessels that were first sent out?—Yes; the best of the two vessels that were sent out was not too good for any part of that voyage.

508. *Chairman.*] You had better now explain what the powers of the best of the two vessels are?—I will state both of them. The contracts were made for vessels of not less than 600 tons measurement, and not less than 200-horse power; that is to say, having cylinders of not less than 54 inches diameter. The Atalanta was built by Messrs. Wigram and Green, in the river Thames, exactly, I may say, according to the contract, which was made for 616 tons measurement; the old measurement. And the engines, which were made by Messrs. Maudeslay, had cylinders of exactly 54 inches diameter, with five feet stroke. The Berenice has about 50 or 60 tons measurement more than the contract, and two inches diameter of cylinder more than the contract; therefore, speaking in round numbers, the Atalanta may be said to be a vessel of 620 tons, and 210 horse power; and the Berenice, of 680 tons, and 230 horse power. These vessels were to have been ready for sailing in July 1836, by which it was expected they would have the advantage of the south-west monsoon, on the other side of the Cape. They were, however, not ready till six months later, but as soon as they were respectively ready they were dispatched. The computation which was made of their voyages was, that they would reach Bombay in 59 days' steaming; the total distance was taken in round numbers at 12,000 nautic miles, the actual distance of their run being 11,500. The consumption of coal was calculated at 20 tons a day, and the daily run was taken at 200 miles.

509. Lord Viscount *Sandon.*] In 24 hours?—In 24 hours.

510. *Chairman.*] Do you mean the average daily run?—Yes; it was taken at that; 12,000 miles would be the run in 60 days, and being 11,500, we allowed 59 days. The coal sent direct was Llangennech coal, selected in very large pieces, the dust of Welch coal being good for nothing. The stations chosen were Teneriffe, Mayo in the Cape de Verd Islands, Fernando Po, the Cape of Good Hope, the Mauritius and Cochin. Mayo was chosen after a good deal of inquiry respecting the best station in the Cape de Verd Islands, and there seemed to have been no very good one; that appeared to be the best; but after the arrangement had been made, we found reason to believe that the Isle of St. Vincent would be the best station in all that part of the world for a steam vessel.

511. Lord Viscount *Sandon.*] Is that one of the Cape de Verd Islands?—It is the only island that has anything that may be called a harbour; all the rest are roadsteads. The time of detention could not be well estimated, the coal being sent to places almost entirely new to us. We set it down, however, at 16 days and a half, which turned out to be much too little, the detention being much greater. The average run which I mentioned calculated to the Cape was 34 days. The actual run of the Atalanta, the actual steaming was 35, and therefore we were only out one day in our reckoning.

512. Did she steam all the way?—She steamed all the way; she made about 210 or 220 miles on an average to Fernando Po, and from Fernando Po to the Cape she averaged 160; she steamed the whole of that long run against the south-

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cast trade wind, which we had expected to avoid by sending her round to the coast of Africa. We sent her to Fernando Po out of the way, in order that she might avoid the south-east trade wind, but as she did not succeed in doing that, I should certainly recommend any other experiment that might be made by the Cape route to be made by St. Helena direct.

513. That is a shorter course?—A much shorter course, and I should have no doubt of the capacity of either of these vessels to have run against the south-east trade wind the whole of that line.

514. *Chairman.*] Then she went seven knots an hour against the south-east wind?—Yes.

515. Was it blowing hard; does it appear by the log that it was blowing hard?—Sometimes there were strong fresh breezes; a strong head-wind.

516. Is there anything said about the swell?—No; the captain speaks of the current; he says he met with a very strong adverse current. The run from Fernando Po to the Cape is in round numbers 2,400 nautical miles, and is the greatest run that has ever yet been made by a steam vessel at sea.

517. How many days was she doing that?—Fourteen. The Berenice we have only heard of from Mayo, one of the Cape de Verd Islands; it is just beyond St. Jago, between St. Jago and the main land.

518. How far is that?—These are the distances; Falmouth to Teneriffe, 1,400 miles; Teneriffe to Mayo, 860; Mayo to Fernando Po, 2,009; Fernando Po to the Cape, 2,355; the Cape to the Mauritius, 2,271; the Mauritius to Cochin, 2,125; Cochin to Bombay, 575; total, 11,581.

519. Her first stage was 1,400 miles?—Yes.

520. How long was she doing that?—Seven days.

521. Did she take in coals then?—She took in coals at Teneriffe. She had met with a storm in the Bay of Biscay which damaged her upper works, and she staid there for repair; she was there about a week.

522. What was her consumption of coals for each day, do you know; or how many days' coals did she take?—She took 250 tons.

523. Lord Viscount *Sandon.*] That would be 20 tons a day?—Yes; but she did not consume so much; that quantity was allowed for wasteage and for accidents; her consumption of coal was less than that of any steam vessel of which we have any knowledge; it was less than seven pounds per horse power per hour; eight is considered very little; ten or twelve is very common.

524. *Chairman.*] Can you account for that?—I can account for it from two causes; first, from what I believe to be the superiority of the boilers made by Maudeslay to any other boilers whatever: They have some art of economising fuel; they make boilers smaller than others, but more effective: And secondly, to the great pains that were taken in the selection of the Llangennech coal. The Atalanta had 20 tons of coal left when she arrived at the Cape, so that her power was more than 2,400 miles against the wind.

525. Lord Viscount *Sandon.*] Had she this wind pretty nearly the whole way?—South pretty nearly the whole way, as I see by the log, south and south-east.

526. *Chairman.*] You did not expect that?—No; the captain himself was very doubtful about the result: for he says in a sort of private diary, of which he sent me a copy, "I am exceedingly doubtful about my coals for this run;" at the end of every day he records his feelings and expectations, as to the chance of his coal lasting to the Cape.

527. These two vessels were built originally as war-steamers, were they not; not as packets?—There was some misunderstanding on that subject; the vessels were built originally as the result of an arrangement between the President of the Board, which was Lord Ellenborough, and the Chairman of the Court of Directors; there was at that time, and there has been, as is well known, a negotiation pending between the Court and the King's Government respecting the division of the expense. It was always the basis the Court took, that they would act on the recommendation of the Parliamentary Committee. These vessels were to be built in anticipation of that arrangement, or in case of that arrangement coming to nothing, that they should be serviceable as war-steamers in the Persian Gulf.

528. Lord Viscount *Sandon.*] To be convertible?—To be convertible, but it appeared so exceedingly probable that they would be employed as packets, that they were constructed very much with a view to being serviceable as packets,

and

and at the same time to render them as efficient as possible as vessels of war. If they had been built exclusively as vessels of war, they would certainly not have been built with rising decks; but being built with a view to the ultimate accommodation of passengers, the rising decks appeared indispensable; therefore it was an attempt to reconcile two objects which were in a very great measure incongruous.

529. *Chairman.*] But I suppose as packets they are well adapted for the purpose?—As packets, nothing can be better.

530. What number of passengers will they accommodate?—There are nine cabins, very good ones. The captains were allowed to take passengers on their own account; the Company did not wish or expect to derive any advantage from that source: but the passengers were limited to 18 persons in all, servants included. The number I believe they both took; the Atalanta certainly took that number, and the Berenice likewise, I think.

531. And is that the extent that you would say these vessels would carry between Bombay and Suez?—It depends on the accommodation people would put up with. The accommodation is about equal to that of the Dundee and Perth Scotch steamers, which carry between 100 and 200 passengers, if they choose to sleep on the sofas in the saloon.

532. Lord Viscount *Sandon.*] When they were full of coal, what room had they besides for cargo?—No room for cargo; cargo never entered into speculation.

533. *Chairman.*] Could you form some estimate of the number that could be conveniently carried in these vessels?—There are nine cabins, each of which will accommodate two persons, I should think not more, not with any comfort.

534. And is there a large dining-room or cuddy in which people could hang up?—Most beautiful rooms they are.

535. Lord Viscount *Sandon.*] There would be room for light cargoes, would there not, besides the coals?—For treasure or articles of great value and small bulk; these vessels carried out treasure; the Atalanta carried a great deal upon the captain's account, and upon his own responsibility.

536. Mr. *Crawford.*] Articles of great value and small bulk were carried to the Isle of France?—They were carried to the Cape also. There was a great deal carried to the Isle of France.

537. *Chairman.*] But there is no room properly for cargo in these vessels?—No; cargo was left out of view. If you made a short run and took 100 tons of coals, you would take 150 tons of cargo. The Berenice would carry more coals than the Atalanta, and she requires more.

538. Lord Viscount *Sandon.*] If she had not had head-winds between Fernando Po and the Cape of Good Hope, she would have had a great deal of spare coal?—Yes, a great deal; she had at other stations spare coal, in fact the Berenice did not find it necessary to stay at Teneriffe at all. The captain ran in there, it was Good Friday, and he said he found the Spaniards all in a state of insanity, beating the image of Judas Iscariot with cudgels, and refusing to do anything, and therefore, as he found he should be detained many days, he went on to Mayo, having coals enough to carry him there, and to have some left still.

539. *Chairman.*] Then you consider five vessels necessary?—Yes.

540. Of course the same establishment of five vessels would carry the communication to Point de Galle and to Bombay?—That is a greater distance rather. I think not material, the same would do.

541. Well then, I will ask you how many more steamers would be requisite to carry on to Calcutta from Point de Galle, or between Point de Galle and Calcutta?—I would allow one steamer for every 15,000 miles. The distance from Point de Galle to Calcutta is 1,170 miles: in round numbers we will call it 1,200: one steamer would about do that, one running one way and one the other; it would require two from Point de Galle to Calcutta. A steamer will last much longer if not overworked. It could do more than 15,000 miles, but it is not advisable that it should.

542. Then the extra expense will be two steamers?—Two steamers to Calcutta.

543. Supposing you go to Calcutta instead of Bombay, it will require two additional steamers?—Yes.

544. Now we will have the expense of these vessels; in your former examination,

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nation, you estimated the expense of each vessel very much of the same tonnage and power?—Yes; 600 and 200.

545. You estimated the annual expense of each vessel at 25,000 *l.*?—Yes, I did.

546. That is, taking in all expenses, I suppose?—Taking all expenses, including the sinking fund for building the vessel and replacing it when it is worn out.

547. Mr. *Crawford.*] All expenses to keep a steam vessel at all times efficient?—Yes.

548. *Chairman.*] But that was also on the understanding that it was done in the most economical manner?—Yes; and I gave the reasons.

549. Before you go to that, I will just ask you if your present estimate is the same; do you think the expense now would be the same?—I do not see any reason to make any material difference in that estimate.

550. You further say, that in India you think it would be double that expense, I think you stated that?—Yes; I spoke of that in round numbers.

551. That is, 50,000 *l.* a year for each vessel?—All the outlay, (for the fuel, the establishment, and everything of that kind,) is all Indian; I only said the prime cost of vessels built in India would be about double the expense of vessels built in England.

552. Lord Viscount *Sandon.*] The prime cost?—Yes; and there was another point, if the fuel was supplied from India to the Red Sea, instead of direct from England to the Red Sea, I think that expense would be double. If it went to India first, and then to the Red Sea, I think it would be double to what it would be if it were sent from England to the Red Sea, not merely on account of the additional freight, but also on account of the deterioration and waste.

553. Mr. *Wynn.*] Do you not allow for any supply of India fuel?—Not of native fuel.

554. Only that which has been tried sufficiently and succeeded?—The Burdwan coal: that must be sent round from Calcutta, but it is not above half the power of the Llangennech coal, and the freight from Calcutta must always be very great. I have seen it stated in the Indian papers (I know nothing of it officially) that 50 rupees a ton was paid for freight from Calcutta to Mocha, for Burdwan coal; there is only the Burdwan coal that is available from India.

555. You consider the Burdwan coal the only coal that has been discovered in India, which is available for the purposes of navigation?—Yes.

556. Mr. *Crawford.*] Do you know anything with reference to what it may cost to be brought to Calcutta from Burdwan?—I do not know exactly, but it is very cheap.

557. Mr. *Mullins.*] What do you think would be the probable cost of fuel in India, in places where it may be taken in ballast?—They will only take it in ballast from their own ports of loading: the Liverpool vessels will only take Lancashire coal; Lancashire coal does very well to run from Liverpool to Ireland, or any part of the continent of Europe, but it does not do for a long sea voyage, which is the thing you have in view.

558. Therefore Llangennech is the only coal you seem to approve of?—It is the only coal that combines sufficient power in the bulk that any of our steamers can carry, or any steamers I know, to run the distance the Atalanta has run.

559. Lord Viscount *Sandon.*] Would not the Burdwan coal do for the run between Suez and Mocha?—Yes, it would do for that distance.

560. That is the same as the communication between Liverpool and Alexandria?—Yes; but the freight would be greater; and you will send out less combustible power in the same bulk. What you want is combustible power; I doubt if a Liverpool vessel would take it to Mocha; I should think any coal going that way would be ground into powder; there is landing and loading it on camels' backs, and trotting across the desert, and depositing the fuel, and putting it again into the steamer; and if anything but dust got into the steamer I should be very much surprised.

561. It could not be laid down at Suez for less than 6 *l.* a ton, I suppose?—I do not see the necessity for coals at Suez at all, except in cases of emergency; it would be much better to have a port two-thirds up the Red Sea, and then let the steam vessel run from that to Suez and back, it would be much cheaper. It would be much better to let the Atalanta and Berenice run up the whole length

of

of the Red Sea and back again without taking in any coal at Suez; only having a small depôt for emergency.

562. Mr. *Mullins.*] But you think it probable that certain vessels may take Llangennech coal in ballast?—The only difficulty is to get them to the port of loading.

563. Assuming them to take out Llangennech coal in ballast, what do you suppose would be the cost in India per ton?—I should think they would not take coal in any quantity for less than 20 *s.* as ballast or dead weight, or whatever it may be called. We have had it done for 9 *s.*, but I should think as a general arrangement it could not require less than 20 *s.*

564. What do you suppose would be the extra cost of conveying that coal from any one of the Indian ports to the different depôts in the Red Sea?—That is exceedingly variable.

565. Take Socotra for instance?—I do not think it makes much difference whether you take it at Socotra or Mocha; but that I have not the means of knowing; we have not official accounts clear enough; but as I have already said, it cost 50 rupees a ton from Calcutta to Mocha; moreover, we know that the coals of the Hugh Lindsay cost 5,000 *l.* each voyage, a very great part of which must have been freight; but we have not the means of making official returns of the exact rate of the freight of coal from Bombay to the Red Sea.

566. Do not you think if there was an establishment of regular steam communication with the different ports in India, that the price of coals would diminish?—I should think it would rather increase.

567. On what principle?—Because the spare freight, which is the only freight worth reckoning upon, is limited; there was a great deal of evidence to that effect respecting the available dead-weight tonnage before the Salt Committee; the result of that was, that they could go from Liverpool (and when it was examined I think it was proved they had not so much to spare, but that was their statement,) with 10,000 tons in the year, at 20 *s.* a ton; but on examining the quantity of tonnage, the total amount of tonnage from Liverpool of all kinds, it does not appear that the dead-weight tonnage bore that proportion to it.

568. Lord Viscount *Sandon.*] The demand for the whole of that tonnage would naturally raise the price of freight?—Yes; but then the freight is a very small part of the charge; the landing and the re-shipping are very enormous charges. We had a charge of 1,967 dollars on one landing and re-shipment at Aden. It could not have been above 100 tons. The landing and the re-shipment of the coals in the stations which we have employed for the Cape voyages, and where it is likely to be very much cheaper, much more easily managed at any rate than in the Red Sea stations, has been about 20 *s.* a ton.

569. *Chairman.*] But of course that would be prevented hereafter?—All that admits of remedy, but though the coals have cost 7 *l.* a ton, I think if we assume by good management we could get it for 3 *l.* 10 *s.*, it is as little as we should be able to get it at.

570. Have you had any communication with Colonel Campbell on this subject?—No; not much communication from him.

571. You have had no communication with him about coals?—The only communication received from him lately is, that the Bombay government had written to the Pacha of Egypt to allow them to make Camaran a coal depôt, and that the Pacha had acceded to the request. Camaran, I presume, is a very much better station than Mocha; Mocha in fact will not do for these steamers, because Captain Wilson says, no vessel drawing more than 10 ½ feet of water can go into the inner anchorage at Mocha; and the outer anchorage is exposed to so great a swell during a very great part of the year, that the taking coals on board is a matter of great difficulty, and often impossibility.

572. Lord Viscount *Sandon.*] What is the draught of these vessels?—About 14 or 15 feet; 16 the Atalanta's, when quite full, but she has one (which does not properly belong to her depth) she has one foot under her bottom, which is called a hollow garboard. She had too little beam, for which this was adopted as a remedy.

573. *Chairman.*] If the steamers from Calcutta could be worked with the Burdwan coal, the expense of working them would not be so great?—No.

574. Mr. *Mullins.*] Should you think it advisable to limit the tonnage of any future vessels to be built to the tonnage of the Atalanta or the Berenice, and the horse power?—No; I think the larger a steam vessel is, the more work she

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will do, and the more economically she will do it; I have not the least doubt that 160-horse power will consume as much coal as a 200-horse power, for if you take it in round numbers at 20 tons a day, which is one ton for 10-horse power, and if a 160 power vessel will go 160 miles, and a 200 power vessel will go 200 miles, it is very clear the consumption per day is the same, and the time is lost, and this, though I state it theoretically, is a matter of fact proved by experience.

575. You are aware it has been recommended to have the tonnage of vessels so high as 1,000 tons and 250-horse power, should you think it well to have them so large as that?—I should think a 1,000 tons vessel ought to have more than 250-horse power; that is only one to four, that is too little.

576. How much more?—One to three and a half on every 1,000 tons; from one to three, between 1,000 and 700, and on anything below 700 to 2½.

577. Do you suppose vessels of such a size could, without overloading, afford space for a certain number of tons for cargo as well as fuel and passengers?—Certainly; I do think they could.

578. To what extent do you suppose?—Not to a very great extent; to the extent of 100 or 200 tons perhaps.

579. Should you think so much as that?—One hundred tons, I should say, certainly they could; if you limit the run to such runs as the Berenice and the Atalanta take, and if, instead of the proportion of one to three, you have a proportion of one to three and a half, you will gain half the additional quantity.

580. What number of passengers do you suppose a vessel of 1,000 tons could conveniently and with comfort to themselves accommodate?—I do not think she could accommodate a very great number in any case; probably she might carry double the number of the Atalanta, 36 persons in all comfortably, but I do not think she could do more than that.

581. And independent of their luggage you suppose there would be 100 tons to spare for cargo?—Yes; in a vessel of 1,000 tons measurement, and the proportion of one to three and a half horse power for tonnage.

582. You are also of opinion that a vessel of a larger horse power and larger tonnage will not be so liable to wear and tear as a smaller vessel?—Certainly, up to a certain extent.

583. *Chairman.*] You have estimated the annual expense of each vessel at 25,000*l.*?—Yes.

584. You have done it in the most economical manner?—Yes, built in England and the coals sent from England; but I certainly was in hopes that our building the vessels in England would stimulate the Indian government to carry on their own operations more economically, and pay more attention to them.

585. I have always understood they can build in Calcutta as cheap as in England, and that it is the repairs that cost so much more?—We have not found that by experience; the repairs of the Enterprise cost more than a new vessel would have done; the Hugh Lindsay cost more than the Berenice.

586. At Bombay?—Yes.

587. Mr. *Young.*] Can you give the Committee any information as to the relative expense of building a vessel at Calcutta and in England?—No, not in all its technical details.

588. The price per ton at which they contract to build ships?—No; they say they can build them cheaper than we can build them in England.

589. Lord Viscount *Sandon.*] Do you happen to know at what rate per ton vessels are generally built at Bombay or Calcutta, putting steam vessels aside for the moment?—No, I do not; I only look to the general fact, that some steam vessels of the same size, including engines and so on, cost more building there than here.

590. *Chairman.*] Which was the highest contract for the Berenice or the Atalanta?—It was the same as nearly as possible; there was this difference, the Atalanta was contracted for (the vessel) with Messrs. Wigram & Green, and the engines with Messrs. Maudeslay & Field, and the aggregate amount of the contract was somewhat less than 29,000*l.* The Berenice was contracted for with Mr. Robert Napier, and the aggregate amount of the contract was 29,000*l.* exactly.

591. Mr. *Young.*] What were the respective amounts of the ship-builder's and the engineer's accounts for the Atalanta?—The engines of the Atalanta were 15,000*l.*, and duplicate mechanical stores 1,300*l.*; the hull would be about the difference

difference. It was 28,800 *l.*; that made up the aggregate; if you deduct those two sums you will have the hull within a few pounds.

592. That is 12,500 *l.*?—That is as near it as possible.

593. What was the tonnage of the Atalanta?—Six hundred and sixteen tons.

594. *Chairman.*] How much would that be per ton?—Twenty pounds per ton; that included more than the hull; it included a good many things.

595. Mr. *Young.*] The entire cost of 28,800 *l.*, I presume, included the whole of the sea equipment, masts, yards, sails, anchors and other stores?—Yes, the whole; it included the complete sea equipment.

596. Mr. *Mullins.*] I find it stated by Dr. Lardner, that a vessel of 1,000 tons and 250-horse power can be constructed in any of the outports for 30,000 *l.*, does that agree with your opinion?—Yes; with iron boilers, and built by public advertisement for competition, it could be constructed for that or less.

597. You are of opinion it would be extremely improper to use iron boilers in vessels intended for long voyages?—Yes.

598. Mr. *Young.*] For what reason?—The copper boilers last longer, and the longer you can keep any part of the machinery of a vessel undisturbed the better.

599. Mr. *Mullins.*] Is there no other reason that you can assign for giving a preference to copper boilers over iron ones?—Nothing but their duration; I do not attach much importance to anything else.

600. You are not aware that they are less liable to injury?—No, I am not aware of that.

601. You have not turned your attention to that?—Yes, I have turned my attention to that.

602. Mr. *Young.*] Are you acquainted with the use of Hall's patent condensers?—I have paid a little attention to it; among practical men there are two opinions respecting them.

603. Have you ever seen the Hercules?—No; but I intend to see her when she comes here.

604. If it were proved to you that the water that was placed in those boilers nine months before, remains the same water, having been in constant use, without that being fresh water, and consequently free from any of that adhesion of saline particles which cause the destruction of iron boilers, would it not induce you to consider they were more advantageous than you now imagine them to be?—So far I believe it is proved that they would be advantageous, but there is greater weight and greater complication; I know as a matter of fact, though I do not know why, that the General Steam Navigation Company had them in one of their vessels, and took them out again. I know that as a matter of fact, but I do not know why.

605. Mr. *Mullins.*] Are you acquainted with Collier's patent boiler?—I have seen drawings of it. That is another complicated system.

606. So complicated, do you think, as to render it inexpedient to adopt it?—I think it would be inexpedient for the East India Company to adopt it, until it was tried in stations where the means of repair were more available.

607. Have you heard among scientific men any opinions injurious to the patent boiler I speak of?—No.

608. Have you ever heard any opinions in favour of it?—No; I have heard very little about Collier's. I do not know anywhere where it has been tried. I know where Hall's has been tried, and learnt some results about it; but I do not know anywhere where Collier's boiler has been tried; I have not had the means of getting information about it.

609. Mr. *Young.*] Are you acquainted with the principle of Hall's condensers?—Yes.

610. Mr. *Crawford.*] But in point of fact you would not recommend any experimental inventions with regard to steamers for India?—No.

611. I mean those which have not received decided approbation here?—No: the finest theory is Howard's vapour engine; that has succeeded to a certain extent.

612. *Chairman.*] What is your opinion of Socotra as a depôt?—In the first place I do not see that we want it all; I am only speaking from memory, because it is some time since I read the papers respecting it; but the general impression I have is this: that it has no harbour, but two good roadsteads; one available for the north-east and the other for the south-west monsoon; that it was taken possession of and abandoned in a hurry, upon the supposition that it was very unhealthy, and that supposition was afterwards supposed to have been too

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hastily adopted; still, as it has only open roadsteads, I should doubt its being a good depôt under any circumstances.

613. You do not know that it is not?—No.

614. The fact is, you do not know whether it is or not a good depôt?—I know it has only open roadsteads; it may be a very good depôt.

615. However, you cannot speak to the fact?—I would not venture to say it is.

616. You do not know it is not?—I do not know it is not, but my impression is not favourable to Socotra.

617. What are proper depôts between Suez and India?—The best depôt, in my opinion, is the Island of Perim, in the Straits of Babelmandeb.

618. Mr. *Mullins.*] Do you speak from personal knowledge as to its eligibility?—I speak from the evidence given before the last Steam Committee in 1834, and from what I have seen on the Indian records.

619. Can those records be obtained that you speak of?—Yes; they are all to the same effect as in the evidence given before the Steam Committee in 1834.

620. Are there are any additional ones that have not been produced?—No; I think nothing more than that evidence is sufficient to enable the Committee to form a judgment on the island of Perim. The next best, I think, is the island of Camaran.

621. Mr. *Bagshaw.*] You do not speak of these things of your own knowledge?—Only from having studied them; and I wish it to be distinctly understood that any opinions I express are my opinions, and not those of the Court of Directors; I have expressed one or two already, which are at variance with the plan they have adopted; Mocha I consider to be decidedly bad, for the reason I gave, that it has not sufficient depth of water.

622. Mr. *Mullins.*] Why do you think Socotra could be dispensed with?—I conceive that either the Atalanta or the Berenice can run in the north-east monsoon to Perim or to Camaran. But I conceive that in the south-west monsoon, if it has not been very greatly misrepresented, they could not run to Socotra.

623. Do you think it would be advisable, under any circumstances, that those vessels, or larger vessels, should run so long a course when there was a possibility of their taking a shorter one?—I think it would be better that they should run to some very good and available station. The difference is not so very material in the north-east monsoon between Socotra and Perim as to make the difference between the two a distance of any consequence.

624. Have you any idea what the distance is?—It is about 600 miles, I think.

625. And to Socotra 200 miles further?—No; I say from Socotra to Perim is 600, but Camaran is near 200 miles further, 165 nautical miles.

626. Then, supposing it was shown that Socotra was a good depôt, and not liable to any of those objections which you seem to allude to, should you not think it more advisable to use Socotra for a depôt than to advance further to Perim or to Camaran?—Yes; I think it is not desirable to have long runs if it can be avoided; at the same time, long runs save time, provided they do not overwork the vessel in the time.

627. Then you think it would be better to lose a little time than overwork a vessel, and thereby create additional expense?—Certainly.

628. And the necessity of laying her up oftener than under other circumstances would be necessary?—Yes. There is abundant depth of water in Perim; it is a perfect harbour.

629. *Chairman.*] Is there not some difficulty in getting into it?—Not for a steamer, there can be none.

630. Does not the wind blow very hard there?—The wind blows very hard at the entrance, but I should not think that would affect a steamer in a narrow sea. I have another objection to Socotra for the south-west monsoon, and that is, that it is too far to the north; you will find in all the evidence that was given before the Committee in 1834, respecting sailing vessels that have gone to the Red Sea in the south-west monsoon, that they kept as close as possible round Cape Guardafui. Now a steam vessel leaving Socotra would be out in all the force of the wind, and would have either to run to the coast of Africa under very disadvantageous circumstances, for first she would go to Socotra and then back to the African coast, or else she must go right against a head-wind all the way up the Gulf of Aden. For the south-west monsoon I should think Socotra

not

not an advisable station; for the north-east I dare say it would be a very good one.

631. Mr. *Mullins.*] But supposing it was only advisable to use it in the north-east monsoon, do not you think it would be better to have it for a depôt than to dispense with it altogether?—I think it would be better to have it most certainly, though I do not think it the best depôt you could choose, as far as I know, and I might alter that opinion on reading the papers over again, but yet I think it is most desirable to have it as a depôt; I think we could not have too many depôts, because it is only for depositing coals which would be used on an emergency, and experience would point out which was the best. The choice is evidently very limited; Socotra, Perim and Camaran are about the whole that are good.

632. *Chairman.*] Perim would be the first?—Perim has no water, it is a mere sandy rock, that is its disadvantage. But a very small establishment would be necessary, and I should think the steamers themselves could feed it.

633. The second would be Camaran?—Yes: but that being only 165 miles from Perim, it would not be necessary to have them both; but Perim appears to possess so many advantages in its position, and its harbour, and its distance, that I think it would be very desirable to try to form a small establishment there.

634. If it were thought necessary that we should possess Socotra, does there appear to be any difficulty in obtaining the cession of that land?—As far as I remember from the papers, none at all.

635. Well, now we will take the time: in 1834 there appeared to be a doubt whether the south-west monsoon could be overcome by steamers; I suppose there is no doubt any longer upon that point?—There is still a great deal of doubt among practical men on the subject, arising from the length of the run. I do not find many practical men very adventurous; the most adventurous men against stormy winds are the people of Liverpool and Glasgow; they do not make any doubt of the power of a steam vessel to surmount any opposition in the south-west monsoon; but they suppose the number of miles that a steamer could run against it in a day would be greater than she would be able to carry coals for to the first available station. The best chance of standing against the south-west monsoon would be, if it were possible to find a depôt, immediately round Guardafui. Now I do not know that there is not one; there is no evidence that there is not one. There is the island of Perim [*handing a chart to his Lordship*].

636. I suppose there is more sea-room than about Socotra?—Those who speak of the harbour in that evidence speak of it as being perfectly land-locked.

637. Is not this rather about a depôt than about the passage from Bombay, because I am now talking of the south-west monsoon?—Yes; but a depôt for the south-west monsoon should be, if possible, immediately round Cape Guardafui.

638. There was a doubt whether a steam vessel could successfully encounter the south-west monsoon dead an end; does that exist now?—It does not, provided you have vessels of great tonnage and power; you must have that; that is essential.

639. Are the Atalanta and the Berenice equal to it?—I think not; the Berenice might be, I am more doubtful about the Atalanta.

640. But supposing a communication from Bombay in the south-west monsoon, how would you make the passage, not being able to go dead an end; might you slant away to the southward?—You could not go more than six points; but I would make a course within six points of the wind; I would not run down to the Line, as some propose to do.

641. How far would you go in that direction, would you take in the strongest part of the south-west monsoon; what course would you take when you leave the Bombay harbour?—Some propose to run to the northward first, then to make a very long run to within two or three degrees of the Line. I would run out of the harbour and make courses, not very long ones, within six points of the wind.

642. Mr. *Crawford.*] Lines as near in a direct course as possible?—Yes.

643. *Chairman.*] Would you go exactly like a sailing ship?—Exactly so; or else I would go dead an end, which is what the Scotchmen would do. The Glasgow men would go right ahead against any wind that blows. The Atalanta has gone upon that principle, she went right ahead always.

644. Under those circumstances, what time would vessels take to go to Socotra?—From Bombay?

645. Yes, from Bombay?—They would be about 12 days, I should think.

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646. Mr. *Young.*] What is the distance?—Twelve hundred miles.

647. *Chairman.*] But that would bring the coals of one of these vessels very near to their total consumption?—It would; but I think it would be possible to do it, if she could go five miles an hour, which is what I calculate. I think it would be possible, but I would rather run to Guardafui and have a depôt immediately round the point; there is an island there.

648. But the distance would not be less to that point?—The distance would not be less.

649. Well now, would you take the other mode you have put, that other persons suggest?—I would not take that plan at all of running to the northward, and then to the southward, and then along the Line, and then up to the northward again.

650. Mr. *Young.*] Though some have recommended it?—Yes, some men of great experience; but I think the time it would take would frustrate all the objects of an expeditious communication. No doubt it is practicable.

651. But you consider the preferable course to be to have vessels adapted for encountering the severity of the monsoon, and then steaming as nearly as the circumstances in which you might be placed would permit?—Certainly; with sufficient tonnage and power, if you do not exceed 1,000 tons' measurement, and 300-horse power within that limit, you might go against the south-west monsoon, that is my opinion.

652. *Chairman.*] Now it is 1,600 miles from Galle to Socotra?—It is rather more than 1,600, very near 1,800.

653. And the passage, in point of wind, would be more favourable?—Much more favourable, it would be almost a beam wind. If it were a true south-west wind, it would be a beam wind from Galle to Socotra; but it is not, it is more westerly.

654. How many knots an hour do you think the Atalanta and the Berenice would go under those circumstances?—I should think they would go their usual rate.

655. Two hundred miles a day?—Yes.

656. Then Galle to Socotra would take eight days and a half?—Yes.

657. Well, now let us go from Galle to Calcutta and back; that is, I believe, we will stop at Madras?—That is 540 to Madras, and 720 to Calcutta.

658. Mr. *Crawford.*] Now where do you start from, and which monsoon?—The south-west monsoon.

659. *Chairman.*] There is much greater facility in the bay of Bengal steaming against the south-west monsoon than in the Arabian sea, because it does not blow home; by keeping near the shore you have not the wind, only the swell against you?—Yes.

660. Well now, from Calcutta to Galle against the south-west monsoon?—Yes.

661. Mr. *Bagshaw.*] Let me ask whether, as you approach the African coast, the winds are not found to change more to the south than in the centre of the bay in the European sea?—The winds are south very near the coast of Africa, below Guardafui; but beyond Guardafui they blow right up and down the Gulf of Aden. There is a due westerly wind in the Gulf of Aden, going south to Bombay; in the south-west monsoon the wind falls away.

662. Mr. *Young.*] Are you acquainted with the effects of the south-west monsoon on the navigation of the Bay of Bengal?—I will state one circumstance; the Enterprise left Calcutta in the south-west monsoon, to go to Bombay, for the purpose of making the first voyage to the Red Sea; she got to Point de Galle, she could not round that point, and she went back to Calcutta.

663. What time did the Enterprise occupy in the performance of the passage from Calcutta to Point de Galle?—That I cannot tell you; I only know that simple fact. You must have a powerful vessel to go round Point de Galle.

664. In what time do you consider a well-adapted steamer would be capable of making the passage from Calcutta to Point de Galle against the south-west monsoon?—I think that under any favourable circumstances they will always make their 200 miles; and under decidedly adverse circumstances they will never make less than 150, excepting, as I said before, if the south-west monsoon has that tremendous power which is ascribed to it; through the whole distance I think they will not make less than 150 miles a day

665. Then I understand that under favourable circumstances you are of opinion that

that the passage might be made in six or seven days, and under those unfavourable circumstances, in nine or ten; is that so?—Yes, certainly.

666. Mr. *Mullins.*] Now, looking to vessels of 1,000 tons, with 300-horse power, within what period do you think they would make the same passage?—I think a very large and powerful steamer would make 200 miles good under unfavourable circumstances; all but the most unfavourable. If you could get 150 miles a day against the south-west monsoon, then you would do well.

667. *Chairman.*] If it does not blow home?—No, I should think you might do that in the Bay of Bengal.

668. Then in the north-east monsoon?—That is nothing for a steam vessel.

669. What would you take as an average?—I would take 200 miles a day in the north-east monsoon.

670. Both sides 200 miles a day, backwards and forwards?—Yes.

671. Mr. *Young.*] What time do you imagine is occupied in taking in coals at Point de Galle?—I do not know; we have been very much out in the calculation of the time occupied in taking in coals. These steamers will not round the Cape, the detention is very great; but the best plan would be to have moderately long runs, and to change the steamer at every station.

672. Suppose the Atalanta or the Berenice to be dispatched from Calcutta, what are the stations that you would recommend for taking in coals during the south-west monsoon?—Under any circumstances they would run down to Point de Galle. I do not see any necessity for having anything nearer than that, and that you must have.

673. That you have already calculated as occupying upon an average eight days?—Yes.

674. How long would you give a vessel at Point de Galle for taking in a fresh supply of coals?—I am not sufficiently acquainted with the capacities of Point de Galle to say that; we have always been mistaken in our reckoning in point of time.

675. But from the best information you have?—Five days; but I would save those five days by having another vessel ready.

676. We have understood you, then, I think, to express it as your opinion that from Point de Galle to Socotra might be accomplished in eight days more?—Yes; but I will say to Guardafui; I would rather run there than to Socotra in the south-west monsoon; I wish to keep that in view, if a depôt can be found. If you touch at Madras you may have coals there, if you want them, but you do not want them; and you cannot always touch at Madras.

677. Then it appears, if I understand you correctly, as the result of your estimate, that during the prevalence of the south-west monsoon a passage might be made from Calcutta to Guardafui or Socotra in about the same time as you calculate it would occupy to make a passage from Bombay to those same points; is it so?—No, I think not.

678. Did I understand you correctly that it would occupy 16 days from Bombay to Guardafui or Socotra steaming in the south-west monsoon?—What I should say, and what I meant to say is, I should think a vessel would go against the south-west monsoon from Bombay to Guardafui at the rate of 120 miles a day, and from Point de Galle to Gaurdafui at the rate of 160 miles.

679. From Bombay to Guardafui is what distance?—One thousand two hundred miles. If you take 1,760 miles at 160 miles a day, that is 11 days, I think they could go from Point de Galle to Socotra in 11 days; then take 1,200 miles, at 120 miles a day, from Bombay to Socotra, I have always understood it to be 1,200; but I am speaking of nautical miles, which are not always adhered to.

680. But you are speaking of them in all instances?—Yes; when I speak of land distance I speak of nautical miles also. It is not more than 10 days, at 120 miles a day. Socotra was always stated in the Indian papers, when there was so much discussion about it, as being 1,800 miles from Point de Galle.

681. What period would be occupied by one of the vessels you before adverted to in making a passage from Calcutta to Madras during the south-west monsoon?—Four days, I should think.

682. And what from Madras to Galle?—I should think it would be about the

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same, about five days; about five or six days. I should think it would take ten days the whole passage.

683. It would seem to follow then, from the evidence you have now given, that the time that would be occupied in passing from Calcutta to Socotra would be 21 days during the south-west monsoon, exclusive of any time that might be lost in taking in coals at Galle, or detention at Madras?—Yes.

684. *Chairman.*] What is the time occupied from Bombay to Calcutta by Dauk?—Ten days, sometimes 12 and sometimes 14; I am speaking of the shortest time when I say 10 days.

685. Of course, during the rains it would take a great deal more?—A great deal more; yes.

686. Mr. *Young.*] Then 21 days being occupied from Calcutta to Madras, and from Galle to Socotra, it appears that it would take about the same time if letters were dispatched overland from Calcutta to Bombay, and from thence forwarded to Socotra in the south-west monsoon?—It would, I suppose.

687. But in the return, you would have great advantage on the Bombay side?—Yes; and in the north-east monsoon you would have great advantage.

688. During the prevalence of the north-east monsoon, what time do you think would be occupied in passing from Socotra or Guardafui to Bombay?—Two hundred miles a day. I have no doubt they could run that. I have not the least doubt of their running that.

689. That would be six days then?—Yes, six days to Bombay, and nine days to Galle.

690. And from Galle to the Bay of Bengal, during the north-east monsoon to Madras?—It would only make 90 miles difference for the deviation. From Galle to Madras is 540 miles; three days would be enough to allow for that.

691. And from Madras to Calcutta?—That is 720; four days, I think that is allowing quite enough.

692. That would be 16 days to Calcutta, by Galle and Madras?—From Socotra, yes.

693. Mr. *Crawford.*] Without detentions?—Without detentions.

694. Mr. *Young.*] And by Bombay you would, I presume, add the 10 or 12 days for the passage overland to the six?—Ten days you must allow.

695. How long is the average communication by land?—The shortest possible communication is eight days.

696. What period would you add to the passage from Socotra to Bombay, for the transmission of letters from Bombay to Calcutta, during the north-east monsoon?—About 11 days; I would take one day to get them ready, and ten to send them.

697. Then letters would, in your opinion, be conveyed from Socotra to Calcutta by Bombay in 15 days?—Yes; but it might be done in eight.

698. What do you think would be a fair average calculation?—If it were worth while to run a race, I should say it might be done in eight days.

699. Under ordinary circumstances, would 10 days be proper?—Yes.

700. Then it would occupy 16 days by Bombay?—Yes.

701. And by your former statement, if taken by Galle and Madras it would occupy, I understand you to say, nine and three are 12 and four are 16?—Yes.

702. Which is the same time with the addition of any time that might be lost in stopping either at Madras or Galle?—And exclusive of relays.

703. Mr. *Bagshaw.*] I wish to call the attention of the witness to the situation of Madras; the time it takes to convey letters from Socotra in the north-east monsoon to Bombay is six days by a steamer; now what is the time it takes to convey letters by dauk from Bombay to Madras?—I cannot speak to that exactly, but I should think it would not take more than to Calcutta.

704. Then in fact that would be 16 days to Madras?—Yes.

705. Then by steam all the way from Socotra by way of Galle to Calcutta, according to your former statement, it would only take twelve days?—Yes.

706. Then there would be a saving in time to Madras of four days?—There would.

707. Mr. *Young.*] In your preceding evidence, referring to the transmission of letters overland from Bombay to Calcutta during the prevalence of the south-west monsoon, you stated that it would take 10 days?—I do not remember that I stated that; I think that is too little.

708. Do not the rains prevail during the period of the south-west monsoon?—Yes; part of the road must be almost impassable. There must be a detention, or a deviation.

709. Then considering the impediment that would be likely to arise from the prevalence of the rains during the south-west monsoon, what time do you think now might be fairly calculated for the communication between Bombay and Calcutta by land at that period?—Sixteen days perhaps; it ranges between eight and sixteen, between the possibility of the greatest expedition and the chance of the greatest impediments.

710. Mr. *Bagshaw.*] Can you state the time it takes to convey letters by Dauk from Bombay to Columbo?—No. The force of the south-west monsoon in its whole range does not extend over more than six months. The force of the south-west monsoon, on the Bombay side, is generally considered as limited to four months.

711. *Chairman.*] Well now, we have got the expenses; we have got the 25,000 *l.* a year for each steamer per annum, and five steamers, that is 125,000 *l.* to Bombay; now we will talk about the returns, and we will talk of Bombay only; have you any memorandum of that?—I have no memorandum at all, except this little table of distances and these maps.

712. What are we to set off; what are likely to be the receipts by Bombay; what by Calcutta; and what have we to set off in the different routes against the expenses?—A very little I should think; I think from passengers we should get nothing. I do not think it would be a matter of profit to the East India Company in any way whatever, the conveyance of passengers.

713. Might they not make it so, if they chose?—They did not think they could in the Atalanta and the Berenice; they gave the passages to the captains, the only object was experimental.

714. Mr. *Mullins.*] What sum do you think it would be advisable to charge a passenger by that route, the entire distance?—Why, the amount ought to be very considerable, if you look to profit.

715. What do you think it would be fair to charge; you are aware the usual charge by the Cape of Good Hope is 120 *l.*, what do you think it would be proper to charge by the other?—One hundred and fifty pounds, from Calcutta.

716. *Chairman.*] What do you expect will be the returns from passengers between Suez and Bombay?—There are two ways of getting a return; in the first place, if you turn yourselves into hotel-keepers, and find the passengers with everything, and charge so much money; in that case, charge what you will, my opinion is, the East India Company would get no profit at all. The other way is to allow the passage to the captains, and let them have a proportion, one-third, or whatever you may fix upon for their carrying the passengers at their own cost; and in that way I think you might get some money, but not much, but a great deal of complaint of the mode in which they were treated.

717. Mr. *Bagshaw.*] But experience does not bear out that fact, inasmuch as captains of ships take passengers upon the latter terms that you have mentioned, and give very great satisfaction, by way of the Cape of Good Hope?—But it appears to be the reverse by way of the Red Sea.

718. How so?—On the last voyage of the Hugh Lindsay there were great complaints by the passengers against the captain in consequence of the miserable accommodation of fare.

719. That was not a vessel calculated for the purpose?—No; but the fare; they did not complain of the vessel, but they complained of their treatment.

720. *Chairman.*] But why cannot the same system be adopted in the steamers?—Now, I will suppose that overruled, and the charge to be 150 *l.* for a passage; they would object very much to give 150 *l.* to go to Suez, when they can get to England for 120 *l.*

721. Why charge them 150 *l.* by the shorter route, and 120 *l.* by the other?—Because the expence of sending a steam vessel from Calcutta to Suez is very far greater than that of sending a sailing vessel from Calcutta to England.

722. Looking to the charge to a passenger with reference to the provisions to be found him on his way, what do you think would be a fair charge?—The Hugh Lindsay originally charged 120 *l.* for the best cabins; they afterwards reduced it to 100 *l.*, and it is now 80 *l.*

723. But that was only a certain distance?—That is 3,000 miles, Calcutta being 5,000. I should think 150 *l.*, of which only 100 *l.* goes to the captain, on

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the supposition we just made of two-thirds and one-third; I should think 150*l.* would not be too much to charge.

724. One hundred and fifty pounds for the entire passage from there to England?—No, from Calcutta to Suez. Suppose you take 120*l.*; 150*l.* was what I thought myself.

725. As a proper remuneration for the passage, then, you will have 50*l.*?—Yes, 50*l.* profit from each passenger; you will have on an average 20 passengers; you will have no more.

726. Mr. *Mullins.*] That is to say, your opinion is, it would cost 100*l.* for providing a passenger comfortably during that passage?—Yes; that is to say, to induce the captain to take the risk and expense on himself in such a way as to satisfy the passengers and prevent such a round-robin as was signed the other day, to provide passengers of a steam vessel with the same degree of comfort and munificence as that with which the Atalanta passengers are provided; but for the calculation, it would be better to take the higher rate, because if you have 50*l.* profit, and that is scarcely worth reckoning upon, of course, *à fortiori*, if you only have 30*l.* profit, it is still less worth reckoning upon. These captains would not have taken the passengers on any other terms than those of having the whole of the passage-money and giving the Company nothing; they would rather have taken the vessel out without passengers at all. If you have 20 passengers a month each way, and you have 50*l.* from each passenger, that will be 1,000*l.*; then you would get about 24,000*l.* by passengers.

727. *Chairman.*] Are you talking of Bombay?—No, I am talking of Calcutta now. You are talking of one way; you are not going to have both Bombay and Calcutta. I doubt if you will have so many passengers as that from Bombay; you would not have 240 ladies and gentlemen from Bombay every year, and back to Bombay every year; that is out of the question.

728. I am speaking of passengers to every one of the presidencies?—It will depend on where they go from; passengers from Calcutta would not go to Bombay.

729. What passage-money would you propose from Bombay to Suez, and from Calcutta?—I would propose 100*l.* from Bombay, and 150*l.* from Calcutta.

730. Mr. *Young.*] You have given us your opinion as to the time that would be occupied between Calcutta and Socotra, and Bombay and Socotra; will you inform the Committee now what time you calculate it would take to proceed from Socotra to Suez in the Atalanta or the Berenice?—In the south-west or north-east monsoon?

731. In the south-west monsoon first?—You see, going from Socotra to Suez, you have got out of the line which I think you ought to be in. You have got away from Guardafui; you have got too far to the north; nevertheless you might make a course, and get back upon the coast of Africa; and in that way I should allow 800 miles for the run, at 150 miles a day in the south-west monsoon, from Socotra to Babelmandeb.

732. That would be about six days?—About six days, not quite.

733. And from thence to Suez?—From thence you have 1,200 miles to Suez against the north-west wind for the whole distance, a strong north-west wind.

734. At what rate do you calculate you might steam under those circumstances?—I think you should allow 10 days for that; it is 1,200 miles; you might do it in less, but you could not calculate on doing it in less; it is 1,230 nautic miles from Babelmandeb to Suez; 165 to Camaran, and 1,065 to Suez; that is 10 days. I think it might be done in 10 days.

735. And on the return coming down the Red Sea?—The north wind blows so much in the Red Sea, that you might almost sail down. I should think you would run down on an average at the rate of 240 miles a day.

736. Right down to Babelmandeb?—Yes.

737. *Chairman.*] In the north-east monsoon it would be the same thing, the wind always blows there?—Yes, but it does not blow so strong; then I should allow them 200 miles a day in the north-east monsoon, one day with another, throughout the whole voyage.

738. That would make how much?—Twenty-six days without delays, without

out detentions; but part of the present plan is to send sailing vessels when steam vessels are unavailable.

739. Perhaps you can give us an estimate of the number of passengers from Bombay and from the eastern side of India?—It is very difficult, because when the Hugh Lindsay has gone at long intervals, she has carried more passengers than if she had gone probably once a month; she never carried more than 20, and she has left passengers behind who wanted to go with her.

740. Mr. *Young.*] But do not you consider that the number of passengers who would be likely to pass between those respective points, would be greatly increased with any increase of facility for their passage?—Yes, I think it would; I think people would go if they had no reason for going, when they had a good opportunity of travelling provided. I think the conveyance makes passengers.

741. *Chairman.*] Then you can form no estimate of the number of passengers that would go from the eastern side of India?—No; I thould think there could not possibly be 240 people by Bombay in the course of the year.

742. Mr. *Bagshaw.*] Do you happen to know the number of passengers that have been going to and fro in the course of any given year of all the presidencies of India?—No, that I do not.

743. Do you happen to know it has been stated that while Bombay only takes to and fro 603 passengers, Calcutta, Madras and Ceylon take 2,566?—I should think that is very probable; Calcutta then would supply her steam-vessels with passengers.

744. Do you think it would be unfair to suppose 1,000 passengers would go from India to and fro in the course of a year, if proper steam communication were established to all the presidencies of India?—There are a great many people who do not like steam vessels; but I think you may assume that. For all India, I think there might be 1,000; I do not know whether there would be so many by steam; I think there would be more than 500.

745. I dare say you are aware that however objections may be raised to steam vessels in this country, that in India there is quite a contrary feeling with regard to them?—Yes; and I have no doubt that that contrary feeling would become universal if they were established. There is nobody that could afford to go by a steamer that would not prefer it to a sailing vessel, if proper accommodation were provided. On that account I should say 1,000 might be assumed.

746. Each way?—Each way; not at the beginning, but after a time.

747. Mr. *Young.*] Supposing the number were equal to that which you state, namely 1,000, what proportion of them do you imagine would proceed to and from Bombay, and what proportion to and from the other presidencies of Madras and Calcutta, supposing there was equal facility for passing between the whole?—I should think not above one-sixth would go by Bombay; it would be much safer to assume 500, because that is as much as you would be able to take if you wish to establish them once a month.

748. *Chairman.*] You mean there would not be room for more?—No; not of ladies and gentlemen exclusive of their servants.

749. Well now, have you any knowledge of the Post-office receipts?—No; in fact, nobody can have any knowledge.

750. Because letters that go round the Cape hitherto cost nothing?—Or next to nothing; but that is no criterion to go by; there will be a heavy charge by steam.

751. Have you any opinion as to what should be the rate of postage?—I believe they have fixed half-a-crown for a single letter, and I think that is very fair from England to Bombay.

752. And do you know what it is to Calcutta?—No; but I believe about as much more; about as much more I think; I remember having letters that came to half-a-guinea; double letters from Calcutta; and I think it was one-half for the Mediterranean packet, and one-half for the dauk and the Hugh Lindsay. This would make about the new Mediterranean rate for the Indian dauk.

753. Is this a new arrangement of the Post-office?—Yes.

754. Mr. *Bagshaw.*] Now is it proposed in the present establishment that Mr. Waghorn shall be able to charge for the transmission of letters?—No, to charge nothing.

755. Then they will charge this way for a single letter 3*s.* 6*d.*?—No; half-a-crown from London to Bombay; that is the arrangement with the Post-office, but though they charge 3*s.* 6*d.* for a Mediterranean letter, they only charge half-a-crown for an Indian letter; and the Post-office are to receive the whole of

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the postage, the Company are to receive none; and after the return from the postage is so deducted, the whole net remaining charge is to be divided between the King's Government and the Company. The Company under that arrangement will get nothing but the inland postage from Bombay, and therefore though that may be an indemnity to the Company for bearing one-half of the charge of sending letters to Bombay, yet if letters were sent by steam to Madras and Calcutta it would be necessary to make a new bargain, or they will get nothing at all.

756. Mr. *Young.*] Then if the arrangement at present made were altered, and a plan substituted for communicating from Suez with Madras and Calcutta direct, the Company would lose all the indemnity that they at present calculate upon to be received by them for the conveyance of letters from Bombay to the other presidencies?—Exactly.

757. That may, in your opinion, perhaps, constitute a good reason why the Company should not be favourable to such an alteration of the plan?—They would not be favourable to it without making a new bargain with the King's Government, because doubling the distance must double the charge, and deprive them of all possibility of any return.

758. *Chairman.*] Do not you think also, that the high rate of postage from Bombay to Calcutta would interfere very much with the sending of the number of letters that would go by that conveyance?—Yes. I rather think the Calcutta postage is higher than the present Mediterranean; I think somewhat more would now go to the dauk than to the Mediterranean packet, or very nearly equal.

759. Might not letters be conveyed direct to Calcutta by steam at a cheaper rate than they would be conveyed to Bombay, from thence by dauk to Calcutta?—No, I think not. I think the expense by steam would be greater, certainly. I understand the question to be, whether the steaming expense would not be as little as the dauk expense, sending them first to Bombay and then to Point de Galle, and from Point de Galle, which I understand is the plan, to Bombay, Madras and Calcutta. I conceive the expense by steam would be very much greater than that of the dauk.

760. You mean the expense of two additional steam vessels?—Yes.

761. And that therefore the postage should be increased in consequence?—You would want more than two additional steamers, because otherwise you would not take them to Bombay at all. You would want more than two.

762. Supposing that there was any room for freight in the Red Sea, do you think there would be any that you might have a profit from, freight from cargo, that is?—I should think very little; there could not be much room for freight, there would be room for treasure. The treasure is usually considered the perquisite of the captains; it was given to the captains of the King's vessels and to the captains of the Atalanta and the Berenice. Things of great value in a small compass would pay freight, but it would not do to calculate on much profit from it. No doubt there might be some, but I do not calculate on a profit to the Company from anything they will undertake in that line; there might be some returns, but not great.

763. Supposing it were a company, I do not mean the East India Company, but a private steam-company, how would it be then?—I think they would be losers by it at the very best they could make of it.

764. But you think they will gain a great deal more than the East India Company, because what can they desire more if they fill their vessels with passengers and cargo?—But there is so very little space for cargo. The Scotch steamers that run two days between the Scotch port and London carry a great deal of cargo, and they find it a very profitable return; but these vessels which run a long distance, and which have to be taken up almost entirely with fuel, can carry nothing but fuel and treasure, small articles.

765. Mr. *Young.*] Have you ever calculated what space the Atalanta or the Berenice might have disposable to cargo, after taking in the coal they would require for the longest part of the passage?—I think that might be very easily calculated in this way: if you allow them 20 tons a day, which is more than they will consume, especially the Atalanta, for she does not consume more than 15; but if you take 20 tons a day and 200 miles a day, and divide the coals upon that basis, then, according to the run, you may or not have a space disposable to cargo. If she were running 10 days, and you take for that at 20 tons a day, 200 tons, you would have 50 left in the Atalanta.

766. Mr. *Bagshaw.*] There will be space for cargo, but not in the south-west monsoon?—Yes; a cargo from India in the south-west monsoon should be entirely left out of the question; they should carry as much coal as they possibly can; they should hardly carry gold, certainly not silver.

767. *Chairman.*] Have you at all considered the political consequences of bringing England and India so much closer together?—Yes, I have; I do not see that there could be any possible harm from bringing them closer together. I do not know any great good. I do not see what it can consist in, if we get a regular communication and know what is going on, so long as we are at peace. I do not see whether knowing in February what we should otherwise know in April, would do much good to this country or the Indian government. In time of war expeditious communication is advisable; but in time of peace regularity is the thing, and perfect knowledge when we get it; if we have irregular communication and imperfect knowledge, occasional expedition will not make up for it.

768. Mr. *Young.*] Is not a rapidity of communication very important in a commercial point of view?—I have heard commercial men doubt that; they do not want the bills and invoices without the goods; they do not want the bills to anticipate the goods.

769. Mr. *Bagshaw.*] Do not you think the commercial community think as you think politically on the subject, that regularity of information is what is so much required by them?—I have no doubt that is their opinion.

770. Mr. *Young.*] More than dispatch?—More than dispatch.

771. Mr. *Bagshaw.*] Will not a regularity in overland dispatch be of great advantage to the commercial community?—No doubt of it. The Court of Directors said something about that; respecting the general effect of carrying on these insulated experiments, that they did more harm than good: did mischief; created disappointment: threw discredit on the plan which it was their professed object to uphold.

772. Mr. *Young.*] But do you not think that the intercourse, both personal and commercial, is likely to be extended into the two countries in proportion as you diminish the difficulties of communication?—Certainly.

773. And must it not be a general benefit to India that the intercourse between the mother country and those distant possessions should be facilitated?—I am not sure that it would be any benefit to the people of India to send Europeans amongst them.

774. That would apply to an extension of European intercourse in India?—Yes, the general question was, whether the access of Europeans to India would not be an advantage to India; I do not think it would.

775. *Chairman.*] But do not you think that a consequence of this regular and speedy and convenient communication will be the resort of a great number of Europeans to India?—Yes, I do certainly; and I think the motive of passing through countries that are interesting from their antiquities, would be a motive for people to go in that line.

776. But you think a greater number of Europeans will go to India in consequence?—Yes, I think so.

777. Do you think that will have a good or a bad effect?—In what way? on the morals and domestic happiness of the people of India, I should say a bad one.

778. May I ask why?—Why, I think whenever they have come into contact with Europeans not under the control of the East India Company, they have been oppressed and ill-treated.

779. You have reference, I suppose, to indigo planters?—Not without exception; but that is my general impression.

780. And settlers?—Yes.

781. Mr. *Young.*] Must not that have arisen from the want of paternal superintendence on the part of the government of India over the interests of the population of the country?—No, it has arisen from the government not having sufficient civil power, judicial power, to control the European settlers.

782. Would not the obvious remedy for such an evil be a little extension of the civil power to that government?—Certainly; but that is objected to as soon as it is done.

783. Then your notion is founded on the supposition that the Parliament of Great Britain would not give to the government of India such power as was requisite to protect the population of India from the oppression of the Europeans?

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—The Parliament of England has given the government of India unlimited power in the way of making laws, which remain laws till rescinded by the Home authorities. The government of India have made a law, having for its express object the protection of the natives of India against European settlers. That law is subject to very great objection among the European community of the presidencies.

784. But if the government of India persists in considering that it is a paramount duty to protect the population of India from the oppressions of the Europeans, do you not think it possesses the power of doing so?—Yes I do; but I am more afraid of deference to popular clamour than I am of anything under heaven.

785. Mr. *Bagshaw.*] There is one question about the civil power that you say the East India Company wield at present against the European settlers there; is not that civil law administered in a language totally unknown to the European population generally?—It need not be; I think it has been, but I take for granted that a part of the new law will be to administer it in an intelligible language.

786. What is that law, Mahomedan or Hindoo?—The law of the Company is what is called the law of equity and good conscience; but they administer the law to Mahomedans according to the Mahomedan law; to the Hindoos, according to the Hindoo law; and of course, to Europeans according to the English law; but it will be the Company's judges' construction of the English law; it will not be an English lawyer's construction of the law, but it will be the India Company's judges' construction, according to equity and good conscience, of the way in which the law is applicable to Europeans in India.

787. But are these judges bred up to the English law; do they understand from education the English law?—No; they know nothing of the law.

788. *Chairman.*] I presume there would be a code?—It is intended to make a code, and one principle of the legislative council was to make a civil code; but they have not advanced one step in their labours.

789. Mr. *Bagshaw.*] Are not some of the judges in the interior of India both Mahomedans and Hindoos?—Yes; sudder aumeens and moonsiffs.

790. Do these men generally understand the English language?—Many of them do.

791. But none of them understand the English law?—No, of course not, nor the Company's judges either.

792. Mr. *Young.*] Coming back to the question of steam communication, do you recollect the average time occupied in passing from Falmouth to Suez?—That passage is rather long; they stop sixty hours at Gibraltar; they stop some time at Malta; and they are all vessels of small power in proportion to their tonnage; not such vessels as I would recommend for the Indian seas; and they take about 14 days to Malta, and about five or six to Alexandria.

793. And from Alexandria to Suez?—That is about three days.

794. Making 23 days?—Yes.

795. Mr. *Bagshaw.*] I am told that there is not one of the 96 sudder aumeens in the presidency of Bengal, who understand English?—I should think that cannot be correct.

796. But you know very well that the major part of them do not understand English?—I dare say they do not; but the natives of India understand more English than they are given credit for.

797. Mr. *Young.*] Then we have it as the result of the evidence you have to-day given, that during the south-west monsoon 16 days might be calculated as the time of passing from Calcutta to Bombay by dauk?—The extreme time.

798. Ten days from Bombay to Socotra, making 26 days; 16 from Socotra to Suez making 42; and 23 from Suez to England, making together 65 days; does that agree with your ordinary calculation?—Yes; but you must bear in mind, if you do not arrive at Alexandria exactly when the packet is starting, you may lose a month there.

799. Have you ever directed your attention to steam communication to India by the Cape of Good Hope?—I certainly have; and I think that for Calcutta by far the best line. If I were laying down a new scheme for steam communication with India, I would take Beirout, the Great Desert and the Persian Gulf for letters for Bombay, and the direct line by St. Helena round the Cape for letters and passengers for Calcutta.

800. *Chairman.*]

800. *Chairman.*] And you estimate the length of that passage at what?—Eleven thousand five hundred miles.

801. Mr. *Young.*] And the time to be occupied?—Sixty days, changing the vessels at every station.

802. *Chairman.*] How many vessels?—Twelve.

803. To India and back to Europe?—Yes; that is, they would change their stations, and every one of them return progressively; they would continually change their stations.

804. And there would be no returns?—There would be some returns for letters and passengers, whatever that may be.

805. Has there been much communication with the Pacha of Egypt respecting the passage through his territories?—No; he has always expressed himself very friendly to it. He has been very desirous to have steam communication established with Egypt.

806. You think he would do everything in his power to facilitate that intercourse?—I have no doubt he would do everything in his power.

807. Do you imagine he would permit troops to pass in case of necessity?—Yes; I believe he would do anything within his power. I think he would allow English troops to pass; he would have sufficient reliance on English good faith to do it.

808. I suppose for the sake of pleasing the British Government?—Yes, and to bring people, or goods, or anything to his own country.

809. And, in short, to increase the commerce of his own country?—Yes, and the number of persons that resort to his own country. He has the materials for a railroad, which are not laid down, from Cairo to Suez.

810. With respect to the improvement of the natives of India, do you think that many natives of India would come to England?—No; I think very few.

811. Why do you think they would not come?—I think nothing would bring them here but a very strong grievance; they have great objections to the sea, all of them. A grievance would bring them, but even that would bring but few of them; I think nothing else. Here and there a wealthy zemindar might send a son or two to England; but I think the number would be very small.

812. I do not know whether you recollect an opinion expressed by a medical committee in Calcutta, that if inducements were held out, many natives would be inclined to come to England for the study of medicine, surgery and other sciences?—I do not recollect the opinion. I dare say, like all other people, if they thought they could get anything by it, they would come here or anywhere else; it would depend on the chance of profit they might see.

813. If they saw clearly it was to their interest to come to England, they would do so, notwithstanding any prejudice?—Yes, I think interest will overcome prejudice anywhere.

814. Now I do not know whether this has ever struck you as a source of saving to the Company, and therefore of profit to a certain degree; you know that all civil servants going to the Cape of Good Hope receive a considerable portion of their allowance there; that is, they receive, I believe, in the most unfavourable cases three-fourths of their allowance there?—Yes.

815. That is, men having 4,000*l.* receive 3,000 *l.* while there?—Yes.

816. You know the military officers receive all their allowances there without any deduction?—Yes.

817. You also know it is a two months' voyage to the Cape of Good Hope by sea?—Yes.

818. You also know that the period of furlough may be, and latterly has been, extended to two years?—Yes.

819. You probably do not know; but the amount of money so expended must be a very considerable sum in the course of a year?—It is.

820. Now, do not you know that by allowing the civil and military officers to come to England instead by steam, that they would very willingly prefer that route, and if they do that a very considerable saving would be made?—Yes; but that would require a very great change in the regulations.

821. I am supposing that?—Of course they would rather come to England than go to the Cape, but they must be allowed to receive their Indian allowance in England, which under the present law they cannot do.

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822. But why should you allow them their Indian allowances, or a portion of their Indian allowances?—I mean a portion of them.

823. Because it would be the same thing as coming on a furlough; that would, you know, allow them to come to England to see their friends, which certainly would be a very considerable advantage, and I should suppose there could be no reason for continuing them their Indian allowances when neither military or civil officer in this country have them?—But many a man would rather go to the Cape and receive his allowance than come to England and lose it.

824. But would you allow him to do that; would it be reasonable to give him that advantage?—I think perfectly reasonable, as far as I see at present; no objection to it strikes me now.

825. It would be a very great expense?—To him.

826. But I mean expense to the Company?—Not, if he do not receive his Indian allowance. I am afraid I am misunderstood; I say if he comes to England and does not receive his Indian allowance, I see no objection to it; but I see great objection to his coming to England, and receiving his Indian allowance; but if you save his Indian allowance, how is it an expense to the Company?

827. I say that would be to the Company a considerable saving?—Yes; I see no objection to that.

828. The object of the Company has been always, as much as possible, to prevent the officers from coming to Europe, has it not?—I do not know that.

829. Do not you think it would be a very great advantage to officers, both civil and military, to allow them the facility of coming to England, instead of the Cape of Good Hope?—Yes; if they choose to come without their Indian allowances, in preference to staying at the Cape with them; I doubt if many of them would do it.

830. Mr. *Young.*] The question put by his Lordship was, whether you think it would be reasonable to leave to them the option of going to the Cape of Good Hope, with their Indian allowances, if they had the means of returning to England, where they would not receive them?—I do not see any present objection to that; but there may be some reason among the old restrictive regulations of the Company; if they go out of India for the benefit of their health for a certain time, I do not see what consequence it can be where they go.

831. *Chairman.*] I suppose you have heard of the great disadvantage of acting situations in India?—Yes.

832. Officers are able to go the Cape of Good Hope, or absent themselves, we will say, for nearly three years, and they receive three-fourths of their allowance during that time; somebody is put in to act in succession, and there is an acting succession of strangers, knowing they are only there temporarily, not knowing for how long and not caring about the duties of their situation?—Yes, that is all true.

833. I consider that one of the greatest curses of the Indian administration?—So it is.

834. Would you not be able to get rid of all that, by permitting them to come to England, not holding their situation?—Yes, you would; but you would save nothing then, because you would pay the full allowance to somebody else; but you would pay the person who did the duty.

835. Mr. *Young.*] Could you not do that now by an alteration of the system without steam navigation?—They would be longer in coming and going back. I understand his Lordship's argument to be, that by steam navigation the Company's officers would come as expeditiously to England as without steam navigation they might go to the Cape.

836. Mr. *Bagshaw.*] Just explain to the Committee the present plan of steam communication from Suez to Bombay?—The plan is, that all the vessels which are at present available, namely, the Atalanta, the Berenice and the Hugh Lindsay, shall be employed in this manner: the Atalanta and the Berenice alternately to go every month from Bombay to Mocha and back. The Hugh Lindsay, to go every month from Mocha to Suez and back. The Atalanta and the Berenice will take some time after their arrival at Bombay to be fitted for the Red Sea. The Hugh Lindsay will take some time to be stationed there, and when she is there, she cannot run at the utmost more than one-half the distance which this plan assigns to her. The Atalanta and Berenice are not fit for the harbour of Mocha, because they draw more water than the inner anchorage of Mocha allows; therefore, though the orders are gone out to establish steam

steam navigation as expeditiously as possible in this manner, it must be a considerable time before those orders can be executed at all, and still more to the extent of establishing a monthly communication. If, therefore, letters are sent to the English post-office for India in the expectation that a monthly communication will be immediately established, all the persons relying upon that conveyance will be disappointed.

837. Perhaps you can tell the Committee when, in your opinion, the communication to Bombay will be complete?—It depends upon when we build more steamers; if we set about it immediately, and build English steamers, it will take twelve months before they can get to Bombay; that is the utmost expedition; if we send out engines to Bombay it will take longer, because here the engines and vessels could go on together; there they scarcely could until they got them; I should think that a two-monthly communication might be established now, but a monthly communication, not for two years at any rate, from this time, certainly.

838. *Chairman.*] Are there any orders for other steamers?—No; there is a promise by the Government to set about building another immediately.

839. Mr. *Bagshaw.*] When did the orders go out to Bombay?—They are just gone within this week, I think about a week ago; I do not know what conveyance they have gone by; they have gone by Marseilles most likely.

840. And that was consequent upon the report of the Steam Navigation Committee of July 1834?—Yes.

841. On an arrangement made by the Court of Directors and His Majesty's Government consequent upon that recommendation?—The Committee are of course aware that steam-packets are established from Alexandria to Marseilles every ten days; here is a Table of the distances by the Persian Gulf, by the Red Sea, and by the Cape of Good Hope to Bombay and Calcutta, and by all the routes available for steam navigation to India.

842. You would wish to put those in, would you?—If you please.

[*The same were handed in and read.*]

843. *Chairman.*] The French packets will give great facility to this communication, will they not?—Very great; they go every ten days.

844. The distance is about 1,000 miles going by Marseilles?—It is about 1,000 miles less than by Gibraltar from London, and of course the time will be materially less.

Distance from *London* to *Bombay*, in nautic miles, by the undermentioned routes:

	Miles.
By the Persian Gulf, *via* Marseilles and Malta, and from Beirout to Mohammara, in direct distance	4,518
Ditto, *via* Marseilles, Malta, Beirout and Damascus, and from Damascus to Mohammara over the Great Desert	4,698
Ditto, *via* Marseilles and Malta, Beirout, Damascus and Bagdad, and from Bagdad to Mohammara by the river Tigris	4,788
Ditto, *via* Marseilles and Malta, Souadia and Aleppo, and from Beles to Mohammara by the river Euphrates	4,823
Ditto, *via* Falmouth and Malta, and from Beirout to Mohammara, in direct distance	5,590
Ditto, *via* Falmouth and Malta, Beirout and Damascus, from Damascus to Mohammara over the Great Desert	5,770
Ditto, *via* Falmouth and Malta, Beirout, Damascus and Bagdad, from Bagdad to Mohammara by the river Tigris	5,860
Ditto, *via* Falmouth and Malta, Souadia and Aleppo, and from Beles to Mohammara by the river Euphrates	5,895
By the Red Sea, *via* Marseilles and Malta	5,238
Ditto, *via* Falmouth and Malta	6,310
By the Cape of Good Hope, *via* Johanna	10,580
Ditto, *via* Mauritius	10,790

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Persian Gulf Routes from *London*, in nautic miles:

(1.)

By Marseilles.	Miles.		*By Falmouth.*	Miles.	
Brighton	44		Falmouth	230	
Dieppe	70		Gibraltar	1,120	
Paris	114		Malta	1,020	
Marseilles	440				2,370
Malta	630		(Difference, 1,072.)		
		1,298			
Beirout	1,080				
Mohammara, in direct distance	640				
Bombay	1,500				
		3,220			3,220
		4,518			5,590

(2.)

By Marseilles.	Miles.		*By Falmouth.*	Miles.
Malta, as in No. 1		1,298		2,370
Beirout	1,080			
Damascus	60			
		1,140		1,140
		2,438		3,510
Mohammara, by Great Desert		760		760
		3,198		4,270
Bombay		1,500		1,500
		4,698		5,770

(3.)

By Marseilles.	Miles.		*By Falmouth.*	Miles.
Damascus, as in No. 2		2,438		3,510
Bagdad	500			
Mohammara, by Tigris	350			
		850		850
		3,288		4,360
Bombay		1,500		1,500
		4,788		5,860

(4.)

By Marseilles.	Miles.		*By Falmouth.*	Miles.
Malta, as in No. 1		1,298		2,370
Souadia	1,100			
Aleppo	70			
Beles	55			
Mohammara, by Euphrates	800			
		2,025		2,025
		3,323		4,395
Bombay		1,500		1,500
		4,823		5,895

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Red Sea Routes from *London*, in nautic miles.

(5.)

By Marseilles.	Miles.		*By Falmouth.*	Miles.	
Brighton	44		Falmouth	230	
Dieppe	70		Gibraltar	1,120	
Paris	114		Malta	1,020	
Marseilles	440				2,370
Malta	630				
		1,298			
Alexandria		830			830
		2,128			3,200
Cairo	100				
Suez	70				
Camaran	1,065				
Babelmandeb	165				1,400
		1,400			
		3,528			4,600
Bombay		1,710			1,710
		5,238			6,3

(6.)

By Marseilles.	Miles.	*By Falmouth.*	Miles.
Babelmandeb, as in No. 5	3,528		4,600
Point de Galle	2,360		2,360
Calcutta	1,170		1,170
	7,058		8,130

(7.)

By Marseilles.	Miles.	*By Falmouth.*	Miles.
Point de Galle, as in No. 6.	5,888		6,960
Madras	540		540
Calcutta	720		720
	7,148		8,220

Cape of Good Hope Routes from *London*, in nautic miles.

(8.)

			Miles.
Falmouth			230
Teneriffe	1,400		
Cape Verd	810		
St. Helena	1,990		
Cape of Good Hope	1,500		
		5,700	
Johanna	2,160		
Bombay	2,490		
		4,650	
			10,350
			10,580

(9.)

				Miles.
Falmouth				230
Cape of Good Hope, as in No. 8.		5,700		
Mauritius		2,370		
			8,070	
Bombay			2,490	
				10,560
				10,790

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864. Do you know whether any inquiries have been made regarding a supply of water along the line?—There have been inquiries, but the extent and detail of those inquiries I am not cognizant of, but the plan is to carry tenders of water from the Nile, and from the Suez; we have made carriages for the conveying of water, and we have made eight engines upon the road for pumping the water up to tanks for the feeding the locomotive engines.

865. What is the distance of this proposed line?—Eighty miles in a right line, and four miles to the north of Cairo, making it 84 miles.

866. *Chairman.*] Have rails for the whole way been sent out?—About a third.

867. Is there any difficulty in making this railway?—No practical difficulty whatever.

868. Is it good ground throughout?—Capital ground.

869. Will there be any cutting in any part of it?—There will; somewhere about four millions of cubic yards to cut, and there will be nearly as much hollow space to fill up in its immediate neighbourhood, and therefore the cutting will be an advantage.

870. Is there no tunnel?—There is one point at which you might tunnel, but I should say, in a country like Egypt, that tunnelling would be a very unpleasant thing; there is no part of this country where we have anything like a distance of 80 miles that would cause so little labour as the line selected in that country.

871. Probably the Pacha has the labour pretty cheap?—About 6*d.* a day for a strong man; and it will cost for engines and for iron-work from this country about 600,000 *l.* for the double line; that is about 7,500 *l.* per mile; that does not include the labour necessary for cutting the road.

872. Is there much traffic between Suez and Cairo?—A great deal; an immense traffic might be created, with proper facilities for conveyance.

873. In what articles?—Mostly coffee; the Mocha coffee is greatly preferred in all Egypt; a great deal of drugs, and also there is corn and various kinds of produce brought from there, and the trade would be considerably more if the facilities for communication could be increased. I believe the quickest time any journey ever was performed from Cairo to Suez has been three days; now we should accomplish it in four hours by the railway. I have no hesitation in saying that if railways were laid down judiciously in Egypt, and steamers from Adfa to Cairo established, we should be enabled to perform the distance from Alexandria to Suez in 24 or 30 hours, instead of which it now generally averages from eight to ten days.

874. You mean the railroad to Adfa, and then from Cairo to Suez?—Yes.

875. Mr. *Mullins.*] What is the distance from Cairo to Adfa by the river?—It is difficult to say; the Nile is very circuitous; I think myself it is from 140 to 150 miles by water; it will depend a great deal upon the state of the river, for in the high Nile, it is a much shorter distance, but in the low Nile, they are obliged to take the line of the Nile, which is very circuitous. In one of the quickest boats I was three nights and three days in going from Adfa to Cairo. The Nile is sometimes running into the Mediterranean at the velocity of two to four-and-a-half miles an hour.

876. Was it low Nile when you went?—No, the Nile was in good navigable order. We went across the country by one of the shortest courses you could take, but you can get very well from Cairo to Adfa, probably in 36 hours, with the wind and the current. The current is running four miles an hour, and sometimes four miles and a half.

877. Has the Pacha any steam-boats on the Nile?—He had one only.

878. Do you know whether he contemplates increasing them?—Yes; the fact is, he would do everything that would give facility, if he had anything like encouragement to do so; he does not want any pecuniary aid from this country; all he wants us to say is, that we think it would be a means of contributing to the prosperity of Egypt, and the prosperity of England.

879. Has he any steamer in the Red Sea?—None at this time.

880. Do you know whether he contemplates having any there?—When I was there he did contemplate having two, for the sake of bringing his own produce.

881. Is it your opinion that he would consent to the passage of troops through Egypt if the British Government asked it?—I have no data to give an opinion upon,

upon, but if he could understand the object was not to interfere in the independence of Egypt, I should think he would not have the least objection; I know he has the strongest predilection on behalf of England. He is a very enlightened man, and a man of vast liberality.

882. Mr. *Gordon.*] When you speak of the enlightened character of the present sovereign of Egypt, is it not the case that everything depends upon him?—I believe it does. Ibrahim, his son, is a man equally enlightened and liberal, as far as policy extends; a much better educated man than his father, but I do not think he has anything of the splendid genius of the father; the father is a most extraordinary man.

883. But all our communications through Egypt to India must in a great degree depend upon the character of the sovereign who rules the country?—No doubt about it. Ibrahim is a man that has supported every liberal measure that can be suggested; and also there is a grandson that is a very able young man, that would succeed Ibrahim.

884. *Chairman.*] Do you mean Ibrahim's son?—No, not Ibrahim's son; this grandson is a brother's son.

885. Mr. *Mullins.*] Is it your opinion that the Nile in its low state would be fit for such flat-bottomed steamers as ply on the Indian rivers?—There is no doubt about it; in the lowest Nile, any vessel drawing two feet six inches or three feet can pass, and it is a very short period that the Nile is so low. It would be fully as navigable as the Thames to Richmond at the lowest state.

886. Do you know whether the plague would cause an interruption in the regularity of the intercourse?—It is only in the last six or seven years that they have had any sanitary law at all; but now any vessels coming from any infected place perform regularly quarantine in a distinct harbour; I suppose the ancient harbour of Alexandria. The last plague was occasioned entirely by the unwise and injudicious conduct of the persons who jumped overboard and swam to the convent. It commenced there.

887. As a periodical disease, you do not think it need affect the regularity of the intercourse?—Not at all, I think. My sons have been there during the last two plagues; they were in Egypt, and they never found great inconvenience from it, with proper care. I do not think in both the plagues there were more than 30 or 40 Europeans that died, and any death that takes place during that period is all set down to the plague.

888. Is that because Europeans take greater precautions?—The fact is, that the habits of Europeans are more cleanly, and Alexandria is a very injudiciously situated town; it is low, and there is no pains taken whatever to drain it or to cleanse it in the old town. In the part they are now building there is every attention paid. Ibrahim Pacha has built a considerable number of buildings there.

889. Is the trade great between Alexandria and Europe?—I should say that perhaps seven-eighths of all the cotton is exported from Egypt to different European states; about one-eighth is used in Egypt in its own manufactories. There are generally 200 sail of European vessels in the port of Alexandria.

890. Do you know what steamers the Pacha has there?—He has got two or three.

891. Are they large?—Yes, the Nile is a very large one; it has two 200-horse engines.

892. Do you think that the Pacha would be willing to establish a reasonable rate of custom duties upon goods coming by the Red Sea?—I believe he never contemplates asking more than 6 *d.*, and I believe he would be satisfied with 3 *d.* per ton per mile; now taking it at 80 miles, at 6 *d.* it would be 40 *s.* a ton, and at 3 *d.*, 20 *s.* for the whole distance. Now, I am quite sure that he would be well requited at 3 *d.* per ton per mile.

893. Mr. *Mullins.*] You allude to the railroad particularly; may he not make other charges in the shape of port dues, and for traversing the Nile?—I do not think so. If he was to employ vessels to convey the goods along the Nile, of course he must be paid for such conveyance; but if the parties forwarding the goods had their own vessels on the Nile, I do not apprehend there would be any charge; he is a man of great liberality of mind; there is nothing grovelling or little in him. The revenue of the country is about seven millions sterling, and I do not believe he spends 10,000 *l.* a year upon his own person.

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Suez, how does he send them?—All upon foot, along one or other of the roads; there are three roads.

895. Is there any water for a body of men?—They generally carry water by the camels. There is one well, but I do not think it is in the line of either of these roads upon the Desert. I see no difficulty in getting water.

896. Then are you of opinion that in all respects, whether as regards the duties or facility of passage, we shall meet with every support from the Pacha of Egypt?—I am quite sure that you will meet with as much support in every project to promote our welfare as if it was in our own country.

897. Did you make the machinery for the vessel called the Nile?—No; I was in Egypt at the time it was done.

898. Was it made there?—No, it was made by Bolton & Watt.

899. Is not there a great foundry in Egypt?—Yes; one erected by my son, at Bolack, one of the first iron foundries in the world.

900. Are there many engineers in Egypt?—There are always a good many. There are altogether workers in iron in Egypt, perhaps to the extent of 5,000 workmen. They manufacture all their muskets now extremely well.

901. Have they educated any natives as engineers?—Yes, a good many; there are not above, perhaps, 40 or 50 English, and the rest are all natives.

902. If any of our steamers came into Suez out of repair, could they be repaired?—Yes, very easily.

903. Are there ample means of repair?—Yes; they could not perhaps do it with as much dispatch as we could do it, but still they could perform effectually.

904. Mr. *Mullins.*] Do you apprehend that workmen could be found sufficiently expert to effect any repairs that might be necessary?—Yes, plenty.

905. *Chairman.*] Where is the foundry you have spoken of?—It is about a mile and three quarters from Cairo; it is upon the banks of the Nile.

906. Then the engineers and workmen could be easily transported to Suez for repairs, if wanted?—Yes, if they had a railroad from Cairo to Suez they would be there in four hours. There will be water-tanks every 10 miles, and a stationary engine for pumping it up into tanks provided to supply the boilers of the locomotive engines. The tenders discharge the water into a lower level, and then it is raised up to an elevation for the purpose of feeding the boilers of locomotive engines, the same as in England.

907. Is there plenty of water at Suez?—Plenty.

908. Would the water come from the Nile or from Suez?—One half would be supplied from Suez, and the other half from Cairo, which is the best mode of supply to save time and expense.

909. Mr. *Mullins.*] Are you aware that a well has been discovered half way between Cairo and Suez?—No; yet I have not the least doubt, if there were any trouble or any science employed there, it would be discovered in other places.

910. Have either of your sons given an opinion upon that point?—No, they have not, to my knowledge.

911. *Chairman.*] Do you know whether there has been any boring?—Yes, and they have found water.

912. At what depth?—I think about 200 or 300 feet.

913. Was the water good or brackish?—Very good water, I believe.

914. Mr. *Mullins.*] Under whose direction were those borings made?—They were made by persons from England, but I believe it was in the line to what they call the Kordifan Mountains, where there is an immense quantity of iron and coal; but they soon found that the conveyance of iron and coal from Kordifan would be more costly than from England. But they have discovered very superior coal and very superior iron in Syria, within about 18 miles of the sea, and they have last year sent 1,200 tons of that coal to Alexandria from Syria. We have sent out some very experienced coal and iron miners there.

915. Can you form any opinion as to whether the coal so discovered would be available for steam purposes?—No doubt about it; there is very little coal that will not answer, though, when you come to generate steam, one coal will be more economical than another. I have not seen the coal myself; I have received information that it is most excellent coal, and it is among some of the first levels; now, we know that coal always gets better as you get deeper.

916. Do you know whether any specimen of that coal has been sent to this country?—I do not think there has, because, if there had, I should have been sure to have seen it.

917. *Chairman.*]

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917. *Chairman.*] What distance are the coal pits?—I believe the distance from Alexandria to the port in Syria is somewhere about 350 miles. It is what they generally perform in from three to five days in sailing vessels. I have no doubt that the Pacha will be quite competent in a very short period to supply all the steamers at Suez. Hitherto it has cost 5*l.* a ton for the steamers at Suez; now, we could send coals from England, and deliver them at Suez at 2*l.* 15*s.* a ton, paying the freight from England. The best evidence that Syria coal would answer for the purpose of generating steam is, that the Nile steamer has been supplied with that coal, and I believe they have made coke from it for the foundry; but the part where the coal pits are situated is 18 miles distant from the sea, on the coast of Syria, and they have no roads, and no means of conveying it but upon the backs of animals, and it is a question of economy. If we can send coals from here to Alexandria, and deliver them at 40*s.* a ton, the Pacha says, "What do they cost me in coming from Syria?" and if they cost a shilling more from Syria, he will have them from England. We have sent, in the last two years, upwards of 10,000 tons of coals for him to Alexandria.

Captain *Andrew Henderson*, called in; and Examined.

Captain *Andrew Henderson.*

918. *Chairman.*] ARE you acquainted with the Indian seas?—I am, for 20 years.

919. Have you commanded both steam vessels and sailing vessels?—I have.

920. Is there any difficulty in going in a steam vessel from the mouth of the Hoogly to Point Palmyras?—None whatever.

921. Do you state that upon any experience of your own?—Yes; I have often gone there, both in steam vessels and in sailing vessels, and there is no difficulty in either the one or the other.

922. In making the passage from Point Palmyras to Madras, and then from thence to Point de Galle, during the south-west monsoon, would there be any difficulty for a steamer?—There would be none, except from a foul wind; certainly none which a steamer could not contend against.

923. Along the whole of that coast are there not land and sea breezes?—It varies, but generally speaking, the wind is off the land in the south-west monsoon.

924. At what rate do you think one of the large Scotch steamers would make that passage against the monsoon?—I should think they ought to average five or six knots against the monsoon.

925. Are you acquainted with the sea round Dondera Head?—I have been there two or three times.

926. Do you think a steamer could make a direct passage from Point de Galle through the Golandos Channel to Socotra?—I think it is practicable, but she would, of course, meet with difficulties during the south-west monsoon.

927. Do the difficulties arise from the wind or the current?—Both.

928. Did you ever make that passage during the south-west monsoon?—Never; it is never attempted by sailing ships, because they are mostly deeply laden ships, but I think it would be practicable for a steamer or for a fast-sailing trader.

929. Have you never been there at that season?—Yes, I have come round this way; I have never gone round against a monsoon there, because it is seldom attempted by sailing vessels, but that has lately been done by several of the clippers.

930. Will you explain what a clipper is?—A ship built for fast sailing.

931. And the passage has been made round Dondera Head to Bombay several times?—Yes.

932. You made a voyage from Calcutta to Canton in the Forbes steamer, towing another vessel?—Yes.

933. What was the power and tonnage of the Forbes?—One hundred and seventy horse power, 302 tons.

934. What was the tonnage of the vessel tugged?—Three hundred and eighty five.

935. At what season of the monsoon was it?—It was against the north-east monsoon.

936. You performed the voyage to China?—I did.

937. Was the monsoon strong?—It was a strong monsoon.

938. Was it more or less strong than the south-west monsoon in the Bay of Bengal?—It was less strong in the first part of it; in the last part we got out of fuel, and were obliged to make sail, and we got a strong gale.

Captain *Andrew Henderson.*

28 June 1837.

939. How many knots an hour did you make while you tugged this vessel against the monsoon?—According to the state of the wind, from three to six.

940. There is nothing in the monsoons in the Indian seas that would prevent the passage of a powerful steamer at all times?—Certainly not, barring the chance of their falling in with a hurricane, which they must take in all seas.

941. And in the event of falling in with a hurricane they would ride it out as well as any other vessel?—Just so.

942. Have you been at Socotra?—I have never been in that part.

943. The wind is said to blow hard, and that there is a considerable sea round the island of Socotra?—So I understand it, and that the wind blows stronger there than further down.

944. Do you think there would be any difficulty in a powerful steamer making that port?—She would have to contend with more sea than there generally is, but no practical difficulties certainly.

945. Mr. *Mullins.*] You are acquainted with the Forbes steamer; can you state what quantity of coals that vessel carried?—I think, with the very best coals, she carried 11 days.

946. In how many days was the passage effected?—We had a supply on board the ship also; we had only one good supply at starting; we were obliged to take fire-wood at Singapore; and in China no arrangements were made, and we were obliged to take whatever we could get, new wood, and all kinds of things; but if we had good coals, as we had at first, she would carry 11 days, and she did it.

947. *Chairman.*] You must have passed very often through the Straits of Malacca?—I fancy about 40 times.

948. You must have heard a good deal of the piracy going on in those seas?—Yes.

949. Do you think that could be put down by a steamer?—Very easily.

950. Is it not impossible to do it by sailing vessels?—It is possible to do it by sailing vessels, if we go determinedly to work as Captain Chance did.

951. Mr. *Mullins.*] Do you think the Forbes was a proper vessel to make the passage from Calcutta to China?—Not at all; she was built as a tug-vessel in the Hoogly; and in the case of her being sent to China, it was an opportunity that occurred at a week's notice.

952. *Chairman.*] From your experience, what tonnage and horse power should you think would be best adapted for a steamer to perform such a passage?—I should think the larger the better for a long sea voyage.

953. Can you name any vessel that you think well adapted for the purpose?—Such a vessel as the Monarch.

954. What is her tonnage and horse power?—Two 90's. There is another very fine boat to Hamburgh, a vessel of great capacity, which is the thing principally wanted, for carrying coal; the larger the better, because the more space you have for carrying fuel; and as you increase the size of the vessel she will be better able to contend with the sea, and be propelled by a less consumption of fuel in proportion to the size.

955. Mr. *Mullins.*] Is it your opinion that in a vessel of a larger class there would be less danger of straining the machinery in hard weather than in a smaller one?—I certainly think so.

956. *Chairman.*] According to your own experience, what sized vessel would you recommend for the communication between India and Suez?—I think for a long voyage a vessel not less than 1,000 tons, with a horse power in proportion.

Thomas Edward Michell Turton, Esq., called in; and Examined.

T. E. M. Turton, Esq.

957. *Chairman.*] YOU were a barrister at Calcutta?—I was.

958. You practised in the Supreme Court?—Yes.

959. How many years?—About 15 years.

960. You were a member of the steam committee at Calcutta?—I was a member of the New Bengal Steam Fund Committee.

961. You lately arrived from India by the route of the Red Sea from Egypt?—I came from Calcutta by Bombay. First I went to Bombay, and then from Bombay to Cosseir, across the Desert to Ghenah, and down the Nile to Cairo, and from thence to Alexandria.

962. Did you bring your family with you, and of what did it consist?—I did. It consisted of my wife, myself, and six children, besides our servants. I had one child of nine years, and all the rest under six; one indeed was only just a year old.

963. In

963. In what manner did you make the voyage to Egypt from Calcutta?—From Calcutta I went in a ship, my own ship in fact, to Bombay. *T. E. M. Turton, Esq.*

964. How long were you making the voyage?—I was two months; I was obliged to go down into eight south, to round Ceylon and make our westing in that latitude, and then to come up again to the Malabar Coast. At Bombay I remained a month, or nearly so, and there I hired a small vessel to go to Suez in the north-east monsoon, and I had a very favourable voyage from there to Cosseir, a fair wind almost the whole way, as far as lat. 23 N., which it invariably is at that season. I was just one calendar month. 28 June 1837.

965. Did you find any difficulty or encounter any danger in your passage through Egypt?—None whatever; I found no more difficulty than that which must attend the removal of a large family, such as I describe, in any part of the world. We travelled with very little inconvenience, and as to danger there is literally none.

966. What are the facilities of travelling across the Desert, and might those facilities be readily and at a small expense increased?—The facilities, such as they are, are considerable. You carry most things with you. Good servants are easily to be procured, except from Cairo. The hire of camels is exceedingly reasonable; the hire of donkeys, upon which you ride, is also very reasonable. Food and provisions are readily obtained, with the exception of water, which you are obliged to carry with you a great part of the way. You travel slowly, but the road is perfectly good and level. There is not a danger of any kind upon the whole road, and the road is generally tolerably hard; in fact, it is not a deep sand, as I had expected, except here and there; and I understand that the road across the Desert from Suez is much better than that from Cosseir to Ghenah, in which there is a rise on one side, and a proportionate fall again to descend into Ghenah.

967. Might not those facilities be easily increased?—I consider a very trifling expense would convert that road into a perfectly good carriage road, as good as any in England. The materials are upon the spot, and only a slight proportion of labour is required to convert it into a perfectly good carriage road; the same I understand is the case as to the Suez road.

968. Were you in any degree inconvenienced or impeded by the plague, or the apprehension of coming into contact with persons infected by it?—Not in the slightest degree. It was not, however, the season of the plague, though there were occasional cases of plague, and we had foul bills of health from Alexandria. There were occasional cases of plague at Cairo; but both at Cosseir, at Ghenah, and the whole way down the Nile to Cairo, we intermixed freely with the natives of the country, without the slightest precaution whatever, and both myself and my children, including even the infant, rode about the bazaars at Cairo to see what there was there, and intermixed with every person we met, and never felt the slightest apprehension, nor, I believe, had any cause for it. I consider the plague, except at certain seasons, a mere bugbear; for at the very season I went, I met Lord and Lady Brudenell, who I think expressed some apprehension of coming into contact with the natives from it. They had come from England fresh with the prejudices of England as to the plague, and felt an apprehension which I did not in the slightest degree. I found that every person in Egypt treated the subject of the plague very lightly indeed.

969. Have you ever considered the subject of steam communication with India by way of the Red Sea?—I have. In consequence of being upon that committee I considered it necessary to consider the subject much more than I should otherwise have done, and what time I had to spare I have devoted a good deal to the consideration of the subject.

970. What are the wishes and desires of the Calcutta community, so far as you, as a member of the steam committee, are aware of them, upon the subject of steam communication with India?—I can say in general, as having been deputed by the committee here to represent them in common with other members of the committee formed in London, that they desire most undoubtedly a comprehensive plan, which would embrace all the presidencies. They certainly do not consider that Bombay would contribute its due proportion to the expenses, but they think that that, as well as every other part of India, ought to be included in the communication, and it ought not to be merely a question of what they would pay in one portion of India, and what they would pay in another, but that every part of India ought to have the benefit of a speedy communication with Great Britain. They are exceed-

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ingly desirous of avoiding the expense, delay and risk (from robbery at all seasons, and from swollen rivers, during the period of the rains,) which are very considerable between Bombay and Calcutta; they consider that they would save time and expense very considerably by the route of the steam vessel being direct to Calcutta, and they consider that it is rather hard that they should be taxed alone by a heavy inland postage for the benefit of that communication, whereas Bombay would pay nothing whatever to the Indian government, receiving her letters with only the Mediterranean postage. If the steam communication were only to go to Bombay there would be no sort of convenience as a route for passengers either to Calcutta, Madras or Ceylon, if the communication was confined to that; and we certainly do consider that a steamer from Socotra would reach Galle as soon as a steamer would reach Bombay, and that the steamer would go on to Calcutta in six or eight days, according to the time of the year and the weather she might meet with, and thereby save time as well as greatly increase the convenience of communication. They also feel satisfied, that to make it answer, all the presidencies must be taken in, and that it will answer if they are all taken in, but that it will not answer, under any circumstances, if only Bombay is taken in. That is the general outline of their views upon the subject. We consider that the return which we shall give from the three presidencies of Calcutta, Madras and Ceylon would not be less than 133,600*l.* towards the expenses of the plan. Supposing the route to be complete, not only from Calcutta and Bombay to Suez, but from Alexandria home, which we consider would contribute very much to the profit of the whole scheme, as well as to the advantage, our calculation is this: one half of the present number of passengers, that is 1,280, at 95 *l.* each, net profit, would yield 121,600*l.*, and the letters being 120,000, which is also a moiety of the whole letters that go to those presidencies in India, at a rupee each, would return 12,000*l.*, and that would make 133,600*l.*, exclusive of all freight, specie, parcels and periodicals. Now, Bombay yielding a like proportion, at the same rate, will only give 302 passengers, paying 28,690 *l.*, and 26,000 letters, paying 2,600*l.*, that would make 31,290*l.* only; whereas the expense must be precisely the same, whether it goes to Calcutta or not, up to the point of Socotra. We also consider that there would be a considerable freight if it went the whole way, and particularly for specie, between Madras and Ceylon and Calcutta and Bombay, exclusive of plate and jewellery, &c.; there would be none, literally none, if it was to be confined to Bombay. I do not suppose they would carry an ounce of treasure, with the exception of articles of plate for the consumption of the Bombay market, in a twelvemonth between Bombay and Alexandria. We also consider that if steamers of adequate power and tonnage were placed upon the whole line, there can be no doubt that one half the passengers and one half the letters, at the rate at which I say, would go by that route in a very short time; I will not say that it will be the first year, but I consider that it would within a very short time be at least to that extent. I am borne out in that opinion by other gentlemen from Calcutta and from Madras and Ceylon; they all think with me upon that. They think that a communication to Bombay alone would be useless for any purpose but that of postage to India; I mean if confined to Bombay, and I beg I may not in the least degree be understood as in the slightest degree advocating any communication which excludes Bombay from participating in every advantage which is to be derived from it. I have made my calculations upon vessels similar to the Medea, which I saw in the Mediterranean, and over the whole of which I went, a vessel of 800 tons and 220-horse power. I consider that she is as perfect a vessel as it is possible to have; in economy of fuel, in her rate, in her capacity, in all those circumstances, she is the finest vessel, without any exception, that I have ever yet seen as a steamer, and I therefore thought it was better to make any calculations upon the subject according to what is known as to the Medea, than to make them upon any plans of my own.

971. What is the Medea?—It is one of Her Majesty's frigates, which I saw in the harbour of Valetta; she carries two very large guns, and two smaller guns upon the main deck.

972. Will you state the plan that you would propose for carrying this steam communication into effect?—I should propose that a sufficient number of steamers of 800 tons and 220-horse power be placed on the whole line between Calcutta and London, and Bombay and London, taking charge throughout the whole distance of passengers, parcels, specie and cargo, the mails leaving London on the 1st of every month, and Calcutta the 15th. As there is only two-thirds of the distance to Alexandria that there is between Calcutta and Suez, the mail from

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London of June will thus meet the Calcutta mail of May in crossing Egypt, and no detention beyond the week allowed for the crossing of passengers between Suez and Alexandria, and *vice versâ*, (which in case of any unforeseen delay may be shortened, even perhaps to three days, as stated by Mr. Peacock,) will in any event take place. Thus the London mail of 1st June, touching and changing steamers at Gibraltar, and touching at Malta, will arrive at Alexandria about the 19th, and the passengers will be ready to embark at Suez on the 20th. The Calcutta May mail will leave Calcutta on the 15th of May, and touching at Madras to take in mails and passengers, will reach Galle on the 23d, and taking in coal, depart for Socotra the following day, where it will arrive on the 2d of June, and meet the Bombay steamer, transferring the passengers and mails, &c. immediately to another steamer, to be in readiness there, it will reach Camaran in four or five days, say the latter, which will make the 7th of June, and there take in coal; it will reach Cosseir in the same time, say, allowing a day's detention for coaling, on the 13th, and Suez in less than, or say in, two days; this will make it the 15th of June. The Committee will recollect that I have stated that the passengers from London would be in Suez on the 26th to start. The boilers and flues may be thoroughly cleansed and the engines repacked before the 26th, the day for her returning with the June mails from England. In like manner, the Indian passengers and mails will cross to Alexandria by the 22d of June, and proceed to England, only transhipping into another steamer at Gibraltar, where they will arrive by the 11th of July; 57 days from Calcutta. The Committee will allow me to state why we are very anxious that this plan should be adopted. I am satisfied myself that it is the best and the most efficient course, and would be the cheapest in the end, because I feel assured that I very much underrate the intercourse there would be, after a short time, between the different presidencies and London, in saying, that one half the passengers and one half the letters would go by that route; and I think (what seems to be the most difficult matter in any other way) that families of children would invariably go by that route and not round the Cape. It would also save the whole quarantine, which would be performed at sea instead of Malta. By transhipping at Gibraltar into a fresh steamer, keeping the Alexandria steamer in quarantine after the passengers quit her for ten days, during which time she might be efficiently fumigated, and allowing one or two days for inquiries after the passengers arrive in London, all the rest of the quarantine would be saved; and this seems to me the only method to induce families to send their children. It is impossible to interfere with the quarantine in the Mediterranean, because it involves all our relations with the whole of the continental ports, and if we were to make an alteration that would lessen the quarantine, the result would be that there would be a second quarantine to perform in the Mediterranean ports. If we keep it entirely in our own possessions at Gibraltar and London, then we can by that means make any regulations that we like. By this mode a person might come home to London, and might be out again at Rome infinitely sooner than he could by leaving Alexandria, going to Malta, performing quarantine there, and going from thence to Rome by the speediest conveyance they could get. Supposing we availed ourselves of the French steamers, it would be impossible to induce families to trust their children to vessels of that kind, with which they had no communication in Calcutta. Besides, the passage through France would not do; but taking the route I have described, I feel no doubt that if the expense were made the same that it would cost to go round the Cape, almost every person would go that way, and send their children that way. To do this properly there should be a treble line from Suez to Calcutta of two each, or six steamers, and two from Socotra to Bombay. The few days during which the engines would be worked in the month would probably enable these eight steamers to keep up a constant communication. But Mr. Peacock has said that a steamer ought not to work more than 16,000 miles upon an average during the year, and therefore it might be safe to have two spare ones, one to be left at Calcutta, and the other at Socotra or Bombay, whichever would be most convenient, and this would be amply sufficient. I believe the steamers would do it without, because the runs would be short, and the great object is to have short runs and the opportunity of frequent examinations and repacking of the engines, because if there is any improper friction it produces damage very quickly till the injury is remedied; but I believe that if you have a frequent examination the engines will go twice the length in the year that they will with the long runs. I consider that four, or five at the outside, would be necessary in the Mediterranean, keeping one constantly in quarantine at Gibraltar for ten days after her arrival, during

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which the crews might clean the vessel. I consider also that the vessels upon the Mediterranean side would be much less expensive, both in coals and in repairs, because it is obvious that they can be done at infinitely less expense at home, and besides that, for coals they would have no tonnage to pay, except at Gibraltar and at Alexandria, therefore I do not allow the same rate for that; but I am satisfied that I allow a sufficient rate, considering what is done by the Peninsula Company's steamers, and better there can hardly be, if I am to judge by the one that I came in from Gibraltar to London; and I think in this way the whole expenses would be covered. The estimate that I make of it comes to 230,146*l.* for the total expenses, and the probable returns 217,400*l.*, exclusive of all charges for the conveyance of specie, which I consider would be considerable.

973. Sir *John Hobhouse.*] That is to say, from postage and passengers and freight?—Yes; I have calculated the vessel at 800 tons, at 24*l.* a ton. Now, I venture to say, that that can be done for 200 rupees or 20*l.* a ton, if built in India, or they can be built at 20*l.* a ton in London; I have calculated it at 24*l.*; and I have calculated the engines, with iron boilers, at 12,000*l.* a piece. I do not consider that it is necessary to have copper boilers, they would add something to the expense; but even if you had copper boilers the whole of the vessel, such as I speak of, could probably be built for 31,000*l.*; that is the amount which Dr. Lardner has fixed for vessels of 1,000 tons, and with 250-horse power, which I consider unnecessary. The coals are the great expense, and that I have estimated on the average at 3*l.* a ton; I am perfectly satisfied that there is no way in which the East India Company have been more imposed upon than in the coals, from one end of the matter to the other. Whether it is the original cost, whether it is the freight, or whether it is the expenses of landing and re-shipping, I consider there is a very great saving to be made; and I will state one thing which appears to me to be the strongest possible proof of it: When the Forbes went, under the orders of the steam committee of Calcutta, to Suez, she was directed to apply, in case of need, to Colonel Campbell, the consul there, who is also agent to the East India Company, for assistance; in consequence of that she applied for coal, which she was out of at Suez, and there was a quantity of coal belonging to the Company, then at Suez, and our captain applied for that coal, and that Colonel Campbell would purchase other coal to replace it for the Company's vessel; Colonel Campbell did so. The Forbes left Suez with the Company's coal on board, which was replaced by Colonel Campbell at Alexandria; and we subsequently paid him 56*s.* a ton, including the price of freight and carriage, for that coal, which they have stated that they cannot lay in at less than 6*l.* a ton at Suez. Colonel Campbell, when I was in Egypt, repeated this to me again, and said, that in consequence of finding the great saving there might be to the Company for this coal, he wrote to them to say that he would undertake to get it laid in there at 3*l.* a ton at the most, and that he wrote repeatedly, I think he told me three times, I am sure he told me twice, and he said that no notice was taken of his letter whatever, and therefore he ceased to write anymore. It is very important upon this subject that the matter should be well understood by people here, for there is a delusion as to the expense of coals for navigating the Red Sea; one cannot suppose any wish upon the part of the Company that such delusion should exist; but there is an imposition practised upon them, by which the expense of steam navigation in the Red Sea has appeared so high that they have for some time objected to embark in it. I am satisfied 3*l.* a ton is the outside that it would cost.

974. Sir *John Hobhouse.*] Will you have the goodness to look over one of the papers which has been handed in by me, and to state whether the estimate therein given is not pretty much that which you think is a fair estimate. [*The paper referred to being shown to the Witness*]?—Certainly.

975. Will you look at another estimate also handed in, the expense of the Mediterranean steamers, which Sir John Barrow gave to the India Board, which does not include the first cost, nor does it include repairs, but it includes the wear and tear and wages and other portions of the expenses; you perceive that that amounts to 6,915*l.* Do you think that is about what might be fairly charged for the expense of a steamer?—I think in many respects it might; I have no scientific knowledge upon the subject. This estimate was made without communication with anybody, except that Major Head gave me the estimates which the provisional committee sitting in Crossby-square have made, and I compared them with this, and this is in some degree founded upon those estimates; but I know those estimates to be made by an exceedingly clever man, Mr. Morgan, who

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who is intimately acquainted with steam navigation in all its branches. My estimate is for a steamer larger than that of the Mediterranean steamer, both in power and size. The Medea is the foundation of my estimates, and I have taken it as near as possible to the Medea, which has precisely the same horse power, and only seven tons more than what I propose. I have estimated 10 vessels; I estimate the crews at,—400 *l.* for the captain; 200 *l.* for the first mate; 100 *l.* for the second mate; 60 *l.* for the third mate; 140 *l.* for the surgeon, who should also act as clerk; 600 *l.* for the engineers; 500 *l.* for the crew; and 300 *l.* for eight stokers; that would make 2,300 *l.* per annum for each steamer, for the wages alone. The victualling I have reckoned at 100 *l.* a month, the stores at 50 *l.* a month, and the repairs at 100 *l.* a month, making 3,000 *l.* for each steamer; that is 5,300 *l.* for each steamer altogether. I have calculated crews for every vessel; I am not satisfied that that is absolutely necessary, because there never would be more than eight, according to this, running on the Indian side at the same time, and I am not aware that it is necessary to have a crew for every vessel, except such vessels as may upon an emergency be called into play. I have estimated the insurance upon half the capital, say 150,000 *l.*, at six per cent; I have estimated it at that, because I know that three per cent. for six months is the usual rate at the insurance offices at Calcutta for a vessel that is considered a good average vessel. I have reckoned a fund to replace the capital in 15 years at 20,000 *l.*, and the interest on capital at five per cent. 15,500 *l.*; that makes the whole expense come to 167,146 *l.*, exclusive of the conveyance of passengers across the Desert, and of the eight coal depôts that it would be necessary to have. I consider that passengers may be conveyed across the Desert, distinct from their feeding, at 5 *l.* per head upon the average. There are eight coal depôts; I calculate at 1,000 *l.* each depôt, and 2,000 *l.* for agency in Egypt; that makes the whole expense amount to 185,146 *l.* upon the Indian side. The expense of the London steamers I have calculated to Alexandria at 45,000 *l.*, making the whole come to 230,146 *l.*; and the returns I calculate at 217,400 *l.*, leaving a small apparent deficiency; but, in fact, I consider the expenses to be somewhat overrated, and the probable returns (which do not include the conveyance of specie) to be under-rated. The returns I make in this way; I calculate in round numbers 1,600 passengers, which is one half of the whole number to the three presidencies, at 95 *l.* a head beyond their cost; that comes to 152,000 *l.*; that is to London. Letters, at 2 *s.* each, I put at 15,000 *l.* I understand the Post-office has reduced it to 2 *s.* 6 *d.*; there is not much difference between 2 *s.* and 2 *s.* 6 *d.*, but the lower they make the rate of postage, the greater it will be; and I think soldiers' letters ought to have the privilege of going free as they do at present, and that nothing ought to be paid to the steamer on that account beyond what the Government may pay for the convenience of their despatches. Parcels and periodicals I have calculated at 100 *l.* per voyage, which makes for 24 voyages in the year 2,400 *l.* They would be rather less than that one way, because there are not many coming from India to England, but as there are immense numbers going from England to India, the deficiency upon the one side would be made up by the greater amount upon the other. I have calculated 100 tons of merchandise per voyage, at 10 *l.* per ton, (exclusive of expense across the Desert,) 24,000 *l.* The expense across the Desert would amount to certainly not more than 2 *l.*, but I should think not more than 1 *l.* a ton, by conveyance by camels. The Government and Indian despatches, exclusive of the Malta, Gibraltar and Egyptian mails, at 1,000 *l.* a voyage, would be 24,000 *l.* I have not calculated for the carriage of specie on each side of the Isthmus, and I do not think there would be much across it, but between the presidencies I think there would be a considerable conveyance of specie. In the Forbes we carried two lacs to Calcutta, and we carried between three and four lacs from Madras to Ceylon; and I am perfectly satisfied that the whole of the specie which is sent now would go by those vessels. I do not agree with what was said by Mr. Peacock, that that ought to be given up to the captains of the vessels, or that the captains of the vessels ought to have anything whatever for the living of the passengers; they ought to have nothing to do with that. It is destructive of every comfort to the passengers, and destructive of every comfort to themselves to be placed in that situation. I saw it in two cases on board packet steamers, and I saw the great advantage that arises in a merchant vessel, where the whole of it is left to the steward; the captain receiving only a liberal salary from the owners, and the steward contracted for a certain sum. No persons on earth could be better fed than we were on board

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that vessel. I never had to ask for a thing, but I frequently had to refuse it when offered to me. On board the King's vessels I will say nothing, but that I found one of them exceedingly different. Nothing could be better than the arrangements on board the merchant steamer in which I came from Gibraltar for everything, both for speed and for accommodation, and for the comfort of the passengers in every respect. I never can speak too highly of the Iberia, her commander, Captain Middleton, and the steward and stewardess; she belonged to the Peninsula Steam Navigation Company. There is one great want at present in the Mediterranean steamers; there is no stewardess in any one of them, and it is impossible to expect that ladies will ever come a second time without them.

976. You say that you consider the arrangement for communicating with India only to Bombay as an arrangement that can refer solely to the conveyance of despatches and letters, and one that will be of no use except in that respect?—I did not intend to say that; I mean of no use to the rest of India. It will be of considerable use and advantage to Bombay; but there are very few persons who would take the trouble of going first to Bombay with the prospect of having, perhaps, a two months' voyage to get there from Calcutta.

977. For the purpose of conveying letters and despatches, you were understood to say that communicating by Bombay was a satisfactory arrangement?—Satisfactory, if we cannot get a communication to Calcutta, but not satisfactory as compared with that, because it increases our expense. I think it increases the delay; certainly it increases very considerably the risk.

978. You think it does increase the delay?—I think it does.

979. It is in evidence that letters go from Bombay to Calcutta overland by the ordinary post in the period of from 10 days in good weather to 16 under difficult circumstances; is not that the case?—I think not entirely; I never received a letter in 10 days, and I have received a letter in 20; not very lately, but I think in the course of the last year, (for I have had some little correspondence with Bombay,) before my leaving Calcutta; I have known it 17 days.

980. Is not it fair to say that the average runs between 10 days, the shortest, and 16 days, the longest?—Certainly; I think that would be a fair average.

981. Between Bombay and Madras, what is the average time of transmission by dauk?—I have not the same knowledge of that; I only received one or two letters from Madras while I was at Bombay; but the impression upon my mind is that it is about a 10 days' dauk.

982. Then, for the mere purpose of sending letters and despatches, you consider that the arrangement that has been now made is, as far as it goes, satisfactory?—As far as it goes; but that is not so satisfactory as what I have stated, upon another account,—that it is not so safe. I have received a letter from Bombay in a state that I could not read it, and I know that others have done so.

983. Is that an ordinary occurrence?—It is not a very unfrequent one; during the rains the despatches are floated across the Nullahs in many instances.

984. You are aware of the objections that have been made by Mr. Peacock to a monthly steam communication by the Red Sea?—I do not remember any specific objections which he made.

985. *Chairman.*] You heard that part in which he said that the present establishment was not sufficient for a monthly communication?—Yes.

986. Sir *John Hobhouse.*] Do you think the objections which he made to navigating the Red Sea were valid objections?—I think I ought to say, in fairness to Mr. Peacock, that I do not understand him to have made objections to the navigation of the Red Sea whilst I was in the room; but I cannot say that the whole of his evidence struck me as raising any valid objection whatever to a monthly communication by the Red Sea.

987. Then, so far as you are acquainted with the evidence given by that gentleman, you do not consider that it raised any objection that can be fairly called valid, to a mode of communication by steam by the Red Sea?—Not so far as I heard it.

988. Have you been at Malta?—I have.

989. Do you know the build and the power of two steamers that have been sent out, the Atalanta and the Berenice?—I heard them described the other day.

990. Are those vessels too large for communicating with and riding in the port or roadstead at Mocha?—I should say by no means; but there is this distinction to be always kept in view with reference to Mocha, there is an inner and

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and an outer anchorage. The fact is, you can see across perfectly from one shore to the other, large ships lie in the outer roadstead or anchorage. The inner harbour is a kind of half-moon, formed by two points, on one of which is a castle, and upon the other of which there is a mount, which had formerly guns upon it for protection, within which they say that the water generally does not exceed about 11 feet; but so far as I saw of Mocha, I do not consider it necessary that vessels should lie within the inner anchorage; at the same time, I do not think Mocha a good port for a depôt.

991. *Chairman.*] In the examination of a former witness there are three places mentioned as depôts: the island of Perim, Mocha and Camaran; will you state which you consider the best?—My opinion is, that in point of situation the island of Perim cannot be excelled, because the ordinary passage lies within 100 yards of the shore, and it has, I understand, perfectly good anchorage; ships can lie in perfectly smooth water either on one side or the other. But I consider there is one very serious objection; there is no population on the island or in the neighbourhood, and any that you get must be brought there, either for particular occasions or for residence; besides which, there is no water, and in forming a depôt we must consider not only the convenience of arrival and departure of the vessels, but the living of those who are to form the depôt during the absence of the vessels; and I consider that Perim is very ill-calculated for the residence of any persons, from its want of water; but in all other respects I consider it exceedingly good. I had no opportunity of saying whether it would be healthy or not, because it is a remarkable circumstance that Mocha, without any appearance of reason for being unhealthy, has been found extremely unhealthy, particularly at certain seasons. I know one instance where two gentlemen were laid up with fever and ague at Mocha a considerable time, and it is considered particularly unhealthy for Europeans; fever, ague, and dysentery prevail there at certain seasons. I consider Camaran, in point of situation, to be nearly as good as Perim, and infinitely better, if we are to go to Socotra; in connexion with Socotra, I think it infinitely better than any of them; it divides the distance better; and as I understand, for I passed within sight of it, but I did not land upon it, it is an island supplied with good water, which very few parts of the Red Sea are well supplied with, and there is a very good harbour there; and I should say that it is an excellent place for a depôt.

992. Mr. *Bagshaw.*] It appears that in the despatch that the Bombay government, on the 16th of September 1836, addressed to the government of the East India Company, they state that the three last overland mails had brought despatches from London to Bombay in 58, 45 and 64 days; can you state whether they were conveyed from the Red Sea to Bombay in steamers or not?—No, I cannot; excepting only I think that one was and that the other two were not; but a good sailing vessel can make the communication occasionally much faster than any steamer.

993–4. You agree in the following sentiments of the government of Bombay; do you feel that the same sentiments prevail in Calcutta and Madras, or would prevail provided a communication were made direct to Calcutta, in the same way that it is projected now to make it direct to Bombay? It runs as follows: "We have witnessed the energetic impulse this early intelligence has given to the mercantile interest, and the unbounded satisfaction it has diffused throughout all classes of the community; it is indeed undeniable that a quick interchange of information is of the first advantage in commerce, and in the conduct of all public business, while it is equally true that the effect on the minds of those who serve the Hon. Company long and faithfully in this distant land is to deprive the painful feeling of separation from their homes and country of half its bitterness. We beg respectfully to press these reflections on the notice of your honourable Court, with our earnest prayer that you will ere long grant to India the much desired boon of frequent and regular communication with Europe, by the employment of a sufficient number of steam vessels for that purpose."—With regard to the satisfaction with which they would hail the establishment of a steam communication direct to Calcutta, I have no hesitation in saying that it would give the greatest satisfaction throughout India; there is the warmest interest felt in it throughout India, especially in Calcutta; but when I mention the satisfaction which would be given by a rapid communication, I should say that though it is a matter of great happiness to all persons that receive private letters to receive them rapidly, yet to merchants it is not so; it is regular communication

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that they want, and if they can have it speedily also, it is of course a great object; but if they are to have one come in two months, and another in eight months, it is an injury rather than an advantage to them.

995. Then you consider the benefits to be derived to India altogether by steam navigation would be very great?—Certainly, in every point of view.

996. Are the natives taking a very warm interest in it, and have they subscribed very liberally to it?—They have, very liberally.

997. Is not that a new feature in the native character?—Up the country it is, but not in Calcutta or in Bombay.

998. Do you think that many natives would come to this country, or send their sons here to be educated if we had a steam communication?—I have no doubt that some would in the first instance, and I have no doubt that many would ultimately; I say that rather advisedly, sepecially with reference to the parsees at Bombay, and not only parsees, but some others have expressed the same; I had occasion when I was there to see the schools which have been established by the education committee, and have had a great deal of communication wit the different parsee members of them as well as other persons, and they one and all expressed a great desire to send their sons to England, in connexion with thei education. There was a young parsee here last year, who had returned by way of the Red Sea, immediately before I was there; he had benefited very greatly; no person could see him or communicate with him without seeing what advantage he had derived from his visit to England; he was totally unlike all his countrymen in the place; he was coming again, and to be accompanied by another. I expect another parsee to arrive every day upon matters of business; not for the purpose of education, for he is a middle aged man; but I am perfectly satisfied that if steam communication were once established, and particularly if it were established in connexion with some system of education,—if we had some classes for their education in the universities of London, or wherever else might be thought proper, they would gladly avail themselves of it; particularly if honours and degrees here were made the foundation of promotion in India. It is only in that way that I think we can to any useful extent avail ourselves of the assistance of the natives. I am one of those that regret extremely that the experiment that we understood was to be made with reference to one native in Bengal was not ultimately tried; I can only attribute its not being tried to the Directors not feeling sufficient confidence in the natives. The only way that confidence can be created is, by drawing the natives to England, and giving them English education and English ideas.

999. A quick communication by steam you think would have the effect of producing that feeling among the natives?—I not only think that it would have that effect, especially after a while, but I think nothing else would: as long as the only communication is around the Cape, it is needless to hope for it.

1000. And you think that would greatly benefit India?—Very greatly.

1001. And you derive your experience from a considerable residence in the country?—From a considerable residence in the country, and very general intercourse with a very considerable number of the natives.

1002. Sir *John Hobhouse.*] Mr. Peacock stated that for the conveyance of passengers he was confident that the passage round the Cape was preferable to the passage by the Red Sea, is that your opinion?—It is decidedly not my opinion; and if Mr. Peacock were to reside in India as many years as I have done, and to take as many voyages round the Cape as I have, and one voyage through Egypt home, I am satisfied he would change his opinion.

1003. Did you ever hear such an opinion as that of Mr. Peacock's expressed in India, or is it a common opinion there?—I do not think that it is; I have heard a great deal of discussion upon the question of steam navigation round the Cape, having taken an active part in the steam committee of Calcutta; when Captain Young was there in the Fergusson, he had then a project of establishing steam communication round the Cape by vessels of 1,500 or 1,600 tons, and in consequence of that I had a great deal of communication with him upon the subject. It was thought by him that for the convenience of passengers it would be preferable; but I should say that is not the opinion of the people of Calcutta; the great advantage which it was thought would be derived from that was, their getting out goods in these steamers, which would carry very large quantities of merchandize, and that was the purpose of the communication round the Cape; I am sorry that Mr. Young, who is the brother of Captain Young, is not here, because he

he is perfectly aware of all that passed upon the occasion; I think it was in consequence of the advices from Calcutta not being so encouraging as they expected, that the project was given up.

1004. Mr. Peacock has expressed a decided opinion that no return whatever could be procured from passengers; that is to say, that no portion of the expenses of such steam communication would be reimbursed from the payments which passengers would make; is that your opinion?—It is decidedly contrary to my opinion; I think it is erroneous upon the face of it; the more I examine it the more erroneous I consider it; and I will state why I consider it erroneous upon the face of it: if that were a correct opinion, what is it that maintains the steamer of the Peninsular Company to Spain, to Gibraltar, to Cadiz and Lisbon? is it passengers, or is it freight? They carry at the outside about 200 tons of freight; it must, therefore, be passengers, and passengers alone, who pay them. What maintains the large Scotch steamers; is it passengers or freight? If on a short voyage the passengers will pay so well, the payment will be proportionate upon a long one. It is utterly impossible to suppose that those steamers would have run the time they have, if they did not pay. There is another reason, that Mr. Peacock gave himself: that it was the usual course for the captain to pay the Company one-third; that I know to be a very common course, but in many cases he gives more than that; but if he pays them the third, the third must be profit at any rate; but if they can afford to pay one-third in a sailing vessel, where the voyages are very much longer, it stands to reason that they can afford to pay much more in a steamer, where the provisions that the passengers will consume are infinitely less than in the sailing vessel. If, therefore, 120*l.* is the price for a single passenger from Calcutta round the Cape, which you cannot take, upon the average, at much less than five months, if a man can afford for that price to feed his passengers handsomely for that five months, and to give one-third to the ship-owner, I should like to know what the steam captain could afford to pay to the owner to feed them for one month; it stands to reason that he could afford much more.

1005. You have stated that you consider the present establishment of three steamers insufficient for the monthly conveyance of mails backwards and forwards up the Red Sea, between that and Bombay?—I do.

1006. Do you consider that four would be sufficient?—I think four would be barely adequate; I think that five at least ought to be employed. If they were remarkably fortunate in not requiring repairs, and also fortunate in their voyages, and not meeting with detention at Suez, I think four might be able to do it, but not otherwise.

1007. Mr. *Mullins.*] Is it not your opinion that, taking into consideration the number of accidents that might occur from meeting with bad weather and other causes, it would be advisable to have at least six vessels, with a view to a regular monthly communication?—I could hardly answer that question to my own satisfaction without working it on paper, because it is easy to say that a steamer will do so much; but you must provide a steamer to go at the moment you want it, and you must make your calculations accordingly; and it is for that reason that I have said that it would be better to have two distinct lines from Calcutta to Suez, making them meet upon the Desert; and by the arrangement I have proposed there would be no detention either one way or the other. I consider that what I have stated is more than an adequate establishment for the whole communication, but I think I could not say that six were absolutely necessary without sitting down and working it, and seeing when the departures would take place upon the one side and on the other, and that that should form a component part of the consideration in answer to the question.

1008. Mr. *Bagshaw.*] And great attention should be paid to the monsoons?—That may make a difference of some three or four days at the outside between Suez and any port in India.

1009. Mr. *Mullins.*] Do you think it would be desirable to have a spare steamer?—Certainly, I think it would be desirable to have a spare steamer, because some repairs could not be done in time; if it was necessary to take out the boiler, you could not get it ready in a month, and consequently it is necessary to have one spare steamer at least.

1010. Will you state your estimate of the expense from Suez to India?—If the communication were only to extend to Alexandria or Suez, and yet to yield, which it probably would, 1,600 passengers, which would then only pay 70*l.* a head net profit, and 150,000 letters at one rupee per letter, the return would

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then be, passengers, 1,600, at 70*l.* a head, 112,000*l.*; letters, 150,000, at one rupee, would be 15,000*l.*; freight, 100 tons per voyage, 24,000*l.*; parcels and periodicals, at 100*l.* a voyage, 2,400*l.*; Government and Indian despatches at 1,000*l.* a voyage, 24,000*l.* that would make net 177,400*l.* I have taken the sums upon which I make this calculation generally in the rough; I charge 100*l.* for a voyage from Calcutta to Suez; I charge 95*l.* from Madras to Suez, and 85*l.* from Bombay and Ceylon to Suez; that is 5*l.* more than what they pay at present; but I propose for that to take them across the Desert, so that it is in fact the same; and I deduct the difference for their living, that is 30*l.*, which the Calcutta passenger would cost the steward, that is, 1*l.* a head per day, and I am satisfied that 10*s.* is ample to allow them for eating, per head per day; but I wished rather to err upon the right side than upon the wrong side. I am perfectly satisfied that an adequate steward will provide everything which is necessary, or even desirable, for passengers at 10*s.* a head per diem; but I have in the calculation, for the sake of not having it said that I was understating it, allowed 30*l.* for a passenger from Calcutta. I have allowed 25*l.* for a passenger from Madras, and 15*l.* for a passenger from Ceylon and Bombay; I think that 15*l.*, upon the average, would pay the whole; that would make Calcutta, Madras and Ceylon, at that rate, yield 136,630*l.* towards the expenses. The Bombay passengers would yield only 28,360*l.* at the same calculation; but if they had every one of the letters at every one of the presidencies, the same as if the vessels went direct, you might add about 12,000*l.* more, which would make it about 40,000*l.* that they would yield, whilst the expenses to Suez would be 177,400*l.*, not the expenses to Bombay only. I have another calculation upon that; that shows that the three presidencies, including Ceylon, would yield 136,630*l.*, whilst Bombay would yield only upon the outside 40,000*l.*

1011. *Chairman.*] Would the communication with Bombay alone or the more extensive one leave the greatest amount of deficiency to be provided by the Government, and upon what data or calculations have you formed an opinion upon this subject?—I consider that the Bombay line would leave a considerably greater deficiency than the general one. Thus, having six vessels, which I have calculated would be necessary for Bombay, at the same rate as the ten vessels for the general line, at about 18,500*l.* per vessel, makes 111,000*l.* the cost of the six, whilst the returns would be only 40,360*l.*, that is, taking even that every letter would go that way that would go by the more extended line, leaving a balance of 70,640*l.* against the enterprise, whilst upon the other, I contend there would be no deficiency, or at most a very trifling one.

1012. Exclusive of the commercial advantages arising from a speedy and regular communication with India, do you consider that it will be productive of any political or moral advantage?—I consider that it would be productive of the greatest political and moral advantages; I need hardly say, that a speedy and regular communication is of the utmost importance in time of war, both for intelligence and for sending forces, which it would seem there would be no difficulty in doing by way of Egypt. We are at peace, it is very true, at present, but it will take two years to establish a communication even by the Company, as we heard from Mr. Peacock. If that is the case, who can say that we may not be at war in two years, and who can say from which side that war may come, or make any calculation whatever upon it; I think, therefore, it is of the most vital importance to establish it at once, that we may be ready in case of war to have the advantage over those that we may be at war with. I consider at all times that it would be of great advantage to the Company, in retaining more willingly their civil as well as their military servants there, and giving them a greater proportion of their services, which if it is an object to have at all, it is an object to extend. Every person that obtains a furlough now to the Cape might be allowed to return to England, which would only occupy him the same time. He should have reduced allowances upon coming home; but I venture to say, that every man that did not give up his allowances to come home, would take the option of having reduced allowances and come home, in preference to going to the Cape. By his so doing, the duties of his situation would be more efficiently performed, instead of an acting person being put in; he also could return again in as short a time. You might therefore cut off six months of the furlough at least of every person who now comes to England; you might also cut off some time from those who would otherwise go to the Cape; certainly those in the upper provinces, who have to come to Calcutta to embark, if they were allowed to go at once to Bombay and take their departure, would save

save time and expense also. I think there are very great advantages in encouraging occasional visits to England, by both the civil and military servants of the Company; they go out extremely young there; I will not say their education is not finished, but education is lengthened here till 23 or 24, in the case of young men that go to the universities; therefore, in the case of young men who go to India at about 19, and with military servants at 16, can it be said that the mind has been thoroughly formed at that age, and that it is not very useful for a young man to return again to Europe and to see something of European governments and institutions and customs; that is, I think, a matter of the utmost importance; it is matter of opinion, but that is the way in which it strikes me. I think also the advantage would be very considerable to the Company's army. There has been a great complaint in India that the army is not in the same state of subordination as His Majesty's forces in England. It is not for me to say whether that is true or not; but I am perfectly satisfied that it is very desirable that English ideas upon that as upon every other subject should be renewed from time to time by occasional visits to England. I am perfectly satisfied also that it is of the utmost importance to the efficiency of the King's regiments; all officers almost who have any means besides their pay sell out of a regiment ordered to India, because they consider it a perpetual banishment for life, and that their life is insecure; but if they were placed within two months' reach of home, I have no doubt that very few officers would sell out. I believe that it is generally considered that the better officers, certainly those who have most hope of promotion, and who have most to push them forward, sell out; but it is desirable to keep those persons in the army, and to send a regiment out with its full complement of old officers as you do with its men. I am quite satisfied that this intercourse will revive and increase the attachment of all Europeans to their native country; and that it will create an intercourse and connexion between the natives and England which will be highly advantageous both to the one and to the other. I am of opinion also that it will add very much to the advantage both of the one and of the other that the resort of Europeans should be encouraged instead of discouraged. Supposing it to be true that Europeans frequently misconduct themselves towards the natives (which I will notice shortly), I would ask whether it is not arising greatly from the distance they are separated from their native country, from their native notions, and from any means of appeal to or control from their native country? But I say that it is not true generally. I do say that there are no set of men that have been more generally belied by reports than the indigo planters of Bengal, so far as I am acquainted with them. I do not pretend to know them much more than in parts of the districts of Jessore, Bengal, Kishnegore and Midnapore; but I am satisfied that they have contributed greatly to the prosperity of the country. Almost every man, not in the Company's service, depends upon his own personal exertions for making money, which he can only do in connexion and intercourse with the natives; and is it to be supposed that they will make enemies of the very persons upon whose assistance they depend for making their fortune? I am satisfied that they do no such thing, but that, on the contrary, they are a protection and a blessing to them, both in periods of sickness and distress, and when they are oppressed by others. It is not the general character of Englishmen in India, any more than in other places, to oppress everybody that they come across. There will be tyrants in every place, and persons will abuse power and authority whenever they have it; but it must be recollected that it is the European who is out of the Company's service that is generally considered as a sort of rival of, and looked upon with jealousy by, the civil servants, to whose jurisdiction he is amenable there, and who are just as likely to abuse the power vested in them, which is very great, as the less powerful indigo planter. The difficulty would be for the European rather to get justice than for the native, because the prejudice would run against him, with the single exception of persons being upon terms of great intimacy with the civil magistrate. It was stated the other day by Mr. Peacock that he thought it a disadvantage in this respect. I think it is not a disadvantage, and I think he is mistaken upon that, as he was upon some other points with which he is not personally conversant, and which he takes merely from what he has heard from others, and that not always the purest source. I think myself there is a difficulty frequently for an European opposed to the natives to get justice, and that it is increased by the power which is given to the civil servants to decide, as we are told they are to decide merely according to their notions of equity and good conscience,

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science, which I do not consider is what they have a right to do; but I do not enter into that question. If they have the power of deciding where Englishmen are concerned, according to their own arbitrary notions of equity and good conscience, as Mr. Peacock has said, giving an interpretation of their own of English law—not such an interpretation as an English lawyer would put upon it—those notions will be relaxed or tightened according to the predilection which the distributer of justice may feel towards the one party or the other. I am perfectly satisfied that everything whatever that shortens the distance between India and England, and brings India nearer to the public of the mother country, will supply to a great extent the want of a public in India; for there is no public in India, and there is no power of control by public opinion over those placed at a distance from the presidency, nor even over those that are under the very nose of the presidency. I am quite satisfied that it will tend to check the tyranny and oppression which is imputed, I believe unjustly, to Europeans in India. I think it will check it on all sides; that it will promote industry, promote justice, and promote good government. I am quite satisfied that that to a very considerable extent will be the operation of steam navigation, and that the natives think so. It was stated by Mr. Peacock that it would bring home complaints, or those who fancied they had grievances to complain of, and he mentioned that as an objection. I consider it just the reverse, and it is one of the grounds upon which I should say it ought to be promoted, because it would then comparatively bring justice home to every man's door, or at least to every man's reach; and the more you can do that, the more you answer the purposes of good government; and, consequently, I think it is a strong ground why it should take place, instead of an argument against it, though I am aware that that has been considered a very considerable and strong argument against it, and I believe it to be one reason why it has been delayed so long, but surely it is an insufficient one, or rather a strong reason the other way. I think also that the vices of the Indians are greatly produced by their never having had anything but Asiatic education and Asiatic intercourse. Their vices are generally deceit, fraud, perjury and cunning, which are the necessary consequence of ages and centuries of misgovernment and of tyranny. It was the only mode they had to get rid of the tyranny by which they were ground down. When we talk of the tyranny of Europeans, I should like to know whether the worst of it is a tenth part as bad as the tyranny of a bad zemindar. I could name innumerable instances in which the tyranny of zemindars is a thousand times worse than the tyranny of any European; and the more you give them intercourse with Europeans it will give them juster notions on the policy as well as propriety of good faith and honesty. With reference to the moral effects of the measure, I have already answered that, because I consider it principally with reference to education, which I think would be very considerable, particularly with reference to medical students. I am satisfied that medical students, persons who have given themselves to a study foreign to the habits of the natives, will gladly seize any opportunity of improving themselves in it by coming to England, and I think that the great body of students in the Medical College in Calcutta, which is one of the best institutions that has ever been established there, would in all probability come to England to study, and I think they should be encouraged to do it. I am satisfied that one sensible man who has been educated and has associated freely with persons in England would do more to promote the welfare and happiness, and to change and expand the ideas of his countrymen, than a hundred of those that have received the best education that India can afford. I think it would be well that whatever is done should be done in conjunction with the institutions that have been established at the different presidencies for the education of the native population. I have no doubt that in conjunction with steam communication, that would form a strong power for humanizing India.

1013. Mr. *Mullins.*] You wish it to be understood that all the advantages you have just been detailing are likely to arise from a general intercourse by steam with the different presidencies of India, not by restricting it to one presidency alone?—I think that the benefit will be far greater by extending it to all, because it will create a degree of emulation between different presidencies: one man that goes from Bombay will probably stimulate three or four to go from Calcutta, and the same as to the others. I think it is not only desirable for that purpose, but because I think it is the only way by which a great part of the expenses could possibly be paid, for which I have given a reason. I am certain that

that the greater portion will be paid in less than three or four years, if it is once established to all the presidencies.

1014. Can you state what are the prices of the best Birdwan coals, and how many maunds there are to the ton?—I calculate 28 maunds to the ton; I think the price in Calcutta is six annas a maund. The Company contracted for five annas a maund for the best Birdwan coals. The price rose last year, in consequence of the great deficiency of it, and it is at 12 annas a maund, at which I myself as an executor sold coals to the Company, but the price of raising coals at present is somewhere about from three to four annas a maund, but the coal they are working is, as it was here originally, the upper vein of coal, not the lower vein of coal; the lower vein of coal is always superior to the upper, and I make no doubt, that if there was a great demand for coal, so that it would pay for the working of an additional depth, they would procure as good coal as the general run of coal in England. There is great difficulty in getting the coals down from Birdwan. The Nullahs are only navigable for three or four weeks in the year, and during that time they are obliged to collect all the boats they possibly can, to bring all the coal they have collected at the depôt down to Calcutta. The consequence of the scarcity is, that the price is very much enhanced beyond what it would be if there was a considerable demand and additional facilities given.

1015. Have they come to any depth in any of the coal pits?—Nothing that would be considered depth in England.

1016. If there was a regular communication by steam between the Red Sea and India would not the commerce very much increase?—I am perfectly satisfied that it would very much increase. Every article of English or Indian manufacture of which I would dispose was readily purchased in my route. It would not do, on account of the expense, for the more bulky articles, but Persian carpets, the inferior kind of jewellery and beads, broad cloth of the coarser kinds, the coarser kinds of cotton, and things of that kind, would all, I have no doubt, be sold readily, to a small amount, in the Red Sea, and many things would be returned. The steamer would be capable of bringing home many drugs, which are supplied by the island of Socotra itself, to a great quantity; and I think also that they might bring from Calcutta a considerable quantity, even every voyage, of rice, which sells at a high price in the Red Sea. The price of rice in the Red Sea is from four dollars to seven dollars a bag. I myself sold some at 4 ½ dollars at Mecca, which had cost me three rupees a bag at Calcutta.

1017. You have no doubt, therefore, there would be ample freight for spare tonnage in the large steamers?—I have no doubt there would; but I think also from London and from Alexandria, receiving there that which came from Marseilles; I think millinery from France, books also from France, books and periodicals from England, plate and jewellery from England, silks and ribbons, and all things of that kind, from France, to a very considerable extent, would be taken. I think articles of dress from both countries would pass backwards and forwards; shawls from India, and articles of value, and raw silk; and opium from Egypt might also pass, to a small extent, but not to a great extent, because the direct trade in opium lies out of the route to Calcutta. Singapore is the first port for the sale of opium near the route.

1018. Mr. *Bagshaw.*] What is the situation of invalids at Calcutta who want to go to sea in a south-west monsoon, and would it not be very much ameliorated in the event of steamers going regularly?—I think decidedly; there is frequently difficulty in procuring a passage either to the Cape or to England in the south-west monsoon, and the passage at that season is very bad for an invalid; the passage down the bay is exceedingly tedious with an adverse wind and a high sea; the continual wet and heat are exceedingly prejudicial.

1019. Mr. *Mullins.*] Do you think it would be likely that any number of passengers would ever pass by land between Bombay and Calcutta in the event of there being steam communication by sea?—Not any great number; it would be confined to those whose business call them there.

1020. You do not think that ladies or their families would venture to cross to Bombay, or that it would be possible to make the journey safe for them?—Certainly not; it is quite impracticable by land for ladies. Perhaps a lady in strong health would be able to do it, but not without great inconvenience. At the season of the year that is best for travelling, as to the road, it is worse with regard to heat; you can only travel by night.

Veneris, 30° *die Junii*, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Sir John Hobhouse.
Lord William Bentinck.	Mr. Mullins.
Mr. Crawford.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

Captain *James Barber*, called in; and Examined.

Captain *J. Barber.*

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1021. *Chairman.*] I BELIEVE you were in the East India Company's marine service?—Yes.

1022. How many years?—Twenty-three years in the Company's service.

1023. You also commanded a private ship for several voyages?—For 14 voyages; after that I was 23 years in the Company's service, and 12 years in the command of a ship; making 35 years in the whole.

1024. How many voyages have you made altogether?—Seventeen.

1025. You of course are very well acquainted with the Bay of Bengal?—Yes.

1026. Had you an opportunity of seeing the Atalanta and Berenice before they went out?—I had; I visited both ships.

1027. Do you think those vessels would have any difficulty in making the voyage from Calcutta to Point de Galle in the south-west monsoon?—Not the smallest.

1028. You know it often blows very strong up the Sand-heads, between that port and Point de Galle?—It does; but it is not a continuous gale. There may occasionally be gales, when it would be imprudent for a vessel coming from Bombay or Calcutta to attempt to cross; but that would only last for 24 hours, and very seldom occurs.

1029. Do you know the length of time the sea breezes prevail along the rest of the coast?—Yes.

1030. Then there would be no difficulty in a steamer, which would keep close to the coast, making that passage?—Not the least.

1031. Are you acquainted with the Point de Galle harbour?—I have been cruising off the west coast of Ceylon. I am not much acquainted with the harbour itself.

1032. Then in going from Galle to Socotra there is a strong current going round Dundra Head; do you think a steamer would have any difficulty in over coming that current?—Not the smallest. The current at the extreme that I have known it runs 50 miles in the 24 hours, and in the south-west monsoon, I should say decidedly the preferable passage would be to go through the one and a half degree channel. It would expedite the passage to Socotra, because the boat would make the channel, and have a strong south-west wind to carry her through, and there would be no difficulty in any part of the passage.

1033. Then if the machinery were to be damaged in any way, she could go under sail to Socotra?—Yes.

1034. Were you ever at Socotra?—I never was at the island; I have been in sight of it.

1035. Where were you coming from when you were in sight of it?—I was going from England to Bombay.

1036. Should you apprehend there could be such a sea about Socotra, which is about 75 miles in length, as to prevent the approach of a powerful steamer to its

its harbour, or to the roadstead, where it would take in its coals?—Decidedly not.

1037. I believe you are at present an East India agent?—I am.

1038. Have you a reason to know that there is a great desire on the part of Indian officers to go by a steam communication if it were established to India?—There is not a day passes but officers in the civil and military services inquire at my office how the thing is progressing. They would go by it immediately it was established. I also hear of it at the Oriental Club frequently.

1039. Then you think, if there were only a sufficient number of good, convenient and powerful steamers, that route would be generally taken?—Yes; no doubt they would be more than filled.

1040. Do you think if a steam communication with India were established it could be extended to any part of our colonial possessions to the eastward of India, with New South Wales for instance?—I have no doubt of it. I have been in communication with some of the first Australian merchants in the city, and they are exceedingly anxious to have this passage established to Calcutta, intending themselves to take on the communication from Ceylon to Australia, as they are constantly complaining that the return of letters from Australia occupies so long a time, although they go to Australia with pretty fair rapidity.

1041. Do you mean the communication to India, or the communication to England?—The communication to England. There is at this time a company formed for communicating with Ceylon, anticipating the main stem would be carried out.

1042. Is that company actually formed?—Yes, and the boats are actually built.

1043. If a communication were made to Point de Galle, it would be more convenient to the Australians to come to Point de Galle than to Calcutta, as it would be half the distance?—Yes, and the communication would be equally convenient with Sumatra, Java, and the whole of the Australian Archipelago.

1044. Mr. *Mullins.*] Between what points of Australia do they propose a communication should be established; you do not mean New South Wales?—At Melville Island; that is the northward point. Our calculations and contemplations were to carry it to Melville Island, and to have a depôt there, leaving them to form local companies in Australia to carry it to other points.

1045. Then your plan would not go beyond Melville Island?—No; but upon consulting with the Australian merchants upon that plan, they were amazingly pleased with it, and said they would not trouble us to go so far to the eastward as to Melville Island, as they would themselves carry it further.

1046. *Chairman.*] Do you think a mere communication to India, in the first place, would be sufficient, allowing the comprehensive line afterwards to grow out of it?—No; on the contrary, I think it will be a marplot to the comprehensive plan being established, for the very great expense which must necessarily be incurred in carrying steam communication to Socotra alone, and from thence to Bombay, unless met by the revenue which can be derived from the comprehensive line to Madras and Calcutta, will so far exceed the revenue to be derived from the transit of the letter bags, that I should contemplate the speedy abandonment of the plan, the receipts falling so far short comparatively of the expenses.

1047. Then you conceive the comprehensive plan would be, in fact, much the cheapest?—Decidedly, and the only one that would insure the permanency of steam communication with India.

1048. Have you made an estimate of the number of steamers necessary for the comprehensive plan, and the expense of the whole establishment?—I have.

1049. Will you state it?—I propose there should be four efficient boats, of 600 tons, and adequate power, which would cost 100,000 *l.*

1050. What tonnage and power would you give to each steamer?—Six hundred and fifty tons measurement and 180-horse power.

1051. Mr. *Mullins.*] Why have you thought of limiting them to that power?—At starting, or during the first five or six years, I consider those boats will be of sufficient size to meet the wants of the traffic. To have them larger would be more expensive.

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1052. But it does not appear you have looked to the obstructions from the wear and tear of the machinery and the want of expedition?—Yes, I have made allowance for those obstructions from the wear and tear of the machinery, which if you had larger sized boats, would increase the expense considerably.

1053. Are you not aware that the larger the size of the boats, the less wear and tear there would be?—No, it is quite the contrary; I believe the wear and tear increases in proportion to the size. I propose that those four boats should be employed in rotation, as follows:

No. 1. To leave Socotra January 1; arrive at Calcutta January 19.

No. 2. To leave Socotra February 1; arrive at Calcutta February 19.

No. 3. To leave Calcutta January 1; arrive at Socotra January 19.

No. 4. To leave Calcutta February 1; arrive at Socotra February 19.

Thus, in succession, four boats will ply between Socotra, Ceylon, Madras and Calcutta; steaming at most (making every allowance for monsoons, &c.) 114 days in each year. And in the event of accident to a boat, by this system, the three would keep up the communication during the repairs of the inefficient boat.

1054. Have you ever considered how many days' work it would be advisable that a steamer should have during each month in the year, looking to the necessity of repairing, overhauling the machinery, and so on?—I have stated that each steamer will be in work 114 days each year.

1055. Do you consider that a steamer could work 114 days a year, and still be preserved in that efficient state of repair which is necessary at all times for the safety of the vessel and the passengers?—I think so.

1056. Have you had much experience of steamers?—I have had very little practical acquaintance with steamers; but I have turned my attention to the subject for a length of time past, for the last 14 or 15 months pointedly and decidedly, and from all the inquiries I have made, I think that a steamer may be kept in work for 114 days a year.

1057. Have you ever taken a long passage in a steamer?—No.

1058. What is the longest passage you have taken?—The longest passage I have taken was from London to Ostend.

1059. *Chairman.*] Will you state at what you estimate the expenses of that establishment?—I estimate the annual disbursements as follows:

DETAIL OF WAGES.

	£.	
Captain	400	
First mate	150	
Second mate	100	
Surgeon	100	
Carpenter	80	
Gunner	50	
Steward	50	
Serang	30	
Eight Lascars	96	
Six Lascars	48	
	1,104	
First engineer £. 300		
Second engineer 200		
Third engineer 100		
	600	
Twelve stokers, at 2*l.* per mensem per man	288	
£.	1,992 × 4 = £. 7,968	

VICTUALLING.

Captain, table allowance to provide table furniture of all kinds, and to mess mates, surgeon, chief engineer and steward	600	
Carpenter, gunner, two engineers	238	
1 Serang, 14 Lascars, 12 Stokers	162	
£.	1,000 × 4 = £. 4,000	

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Captain to be allowed 5 rupees per mensem.

(*continued*)

	£.
Coals - - - - - - - - - - - - - - - -	20,000
Depôts and contingencies - - - - - - - - - -	3,072
	35,040
15 per cent on 100,000*l.* for wear and tear, and to keep up the boats - -	15,000
£.	50,040

I estimate the income as follows:

Passage money to be taken:	£.
£. 50 - - 10 passengers to and from Calcutta, monthly, 240 - -	9,600
£. 40 - - 10 passengers to Madras coast, 240 - - - -	8,160
£. 30 - - 5 passengers to Ceylon, including the Straits, 120 - -	3,000
10 native passengers, 400 - - - - - -	4,000
£. 20. from Socotra to Suez, 600 passengers annually, thus drawn into the main trunk, to Suez from Socotra - - - - - -	8,400
£.	33,160

	£.
Profit on passengers, allowing the captain 10*s.* for victualling per diem -	33,160
20,000 additional letters (if this route be adopted), at 2*s.* 6*d.* - - -	2,500
50,000 periodicals, &c. at 1*s.* - - - - - - - - -	2,500
100,000 newspapers, at 6*d.* - - - - - - - - - -	2,500
200,000 letters, additional postage, at 1*s.* - - - - - -	10,000
Government despatches to Ceylon, Madras and Calcutta, from England and intermediate places - - - - - - - - - - -	5,000
Law-deeds, parcels, invoices, samples, jewellery, treasures, &c. - - -	5,000
£.	60,660

I consider the number of passengers to be much underrated, if the many that will flow into this stream of intercourse (if it be opened) from the Straits, China, Batavia and Australia be taken into calculation. Letters, periodicals, &c., from the foregoing places will also follow in proportion.

I have thus shown that carrying out the comprehensive scheme will, even at the commencement, yield a profit, in part discharge of the large disbursements that must unavoidably attend the accomplishment of the measure to Socotra; it will, in short, insure permanency to the undertaking; while, on the other hand, if a contracted plan be adopted, however effective in itself, I can see the time when it will be abandoned on the score of expense, for the charge will be considered far beyond the advantages to be derived. In carrying out steam communication to India, Mr. Peacock has wisely recorded, "Steam navigation would require to be carried on on a large and efficient scale. Between doing it efficiently, and not doing it at all, there seems to be no advisable medium."

1060. At what rate have you calculated the coals per ton?—Fifty shillings; and I should be glad to supply them for the money.

1061. Mr. *Mullins.*] What depôts do you take into consideration when you give that estimate?—I took Socotra and Galle. I should have depôts also at Trincomalee, Madras and Calcutta. I have looked a great deal at this measure, and I do think Trincomalee should be the general depôt for steamers upon the comprehensive plan. You there meet with His Majesty's ships at all times in case of need or necessity. You could repair them there tolerably well, and it would form a magnificent harbour for half the shipping in the world, if you could get them there.

1062. *Chairman.*] Would you have any depôt in the Red Sea?—Yes, decidedly.

1063. Mr. *Mullins.*] But the four vessels you speak of are supposed to go merely from Socotra to Calcutta?—Yes; supposing you carry it to Socotra, as I suppose you must do, that establishment is to carry it from Socotra to Calcutta.

1064. How many vessels would you have from Socotra to Suez?—Three.

1065. That would be seven from Suez to Calcutta, upon the comprehensive plan?—Yes; and two from Bombay to Socotra.

1066. That would be nine altogether?—Yes.

 1067. Should

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1067. Should you think it advisable to have all these vessels of the same size, or of different sizes?—The four from Socotra to Calcutta I would have of the same size in all respects; the two from Socotra to Bombay of smaller dimensions; and the three from Socotra to the Red Sea of larger size, and larger power.

1068. Why have those from Socotra to Bombay of smaller dimensions?—The capacity they would require would be less for the conveyance of the packets and for passengers.

1069. Have you considered the monsoon seasons?—Yes; I consider that three months in the year the Bombay packet would not go by the steamers, but join the Calcutta boat at Galle.

1070. Then you think being of smaller size, she would be able to make the southern passage as well as a larger one?—I have no doubt about that; she will get down the coast under canvass without steam.

1071. And still preserve a regular monthly communication?—Yes.

1072. *Chairman.*] Both in the north-east and north-west monsoon, one of the passages, where it is favoured, will be made under sail?—Generally; almost always. Sometimes the north-west monsoon fails, and there is no wind; but, generally speaking, she could do so.

1073. That of course would produce considerable saving of fuel?—Decidedly; it has been taken somewhat into consideration in the estimate of expenditure, but not sufficiently; I thought it better to make a calculation that would stand the test.

1074. You allow only 10*s.* a day for victualling the passengers; upon what data have you fixed that?—I have carried passengers for 14 years of my life, and I fancy I have generally provided them as well as other ships of my class have done, and I consider 10*s.* a day is an abundance at the present time. And I may mention that in this estimate I have put down the commander at 400*l.* a year; but I think I should give him a small per centage, to make it a desirable situation to have, and then you would have a greater supply of fit men.

1075. Supposing the steam communication to be completed between India and Suez, will the Mediteranean packets form a sufficiently continuous chain to England?—I am decidedly of opinion they will not; there are many objections to them; they have neither speed nor capacity to perform properly the office they now undertake; if burdened with an additional charge from India, they would have less speed, and I think not be able to carry the number of passengers, parcels and packets, which would arrive to be put into them. Coming by the Mediterranean packets, also, you would have to perform quarantine at Malta, which is a decided objection. I think, in the aggregate number of passengers from India, it would make a difference of 1,000 a year at least, and it would draw some of them into the French route. Now, I think if a boat were to leave Alexandria, and come to Falmouth or London, or any other part which might be fixed upon, if they had to perform quarantine, which would be at most for a week, where they would be within reach of their friends, you would draw from India a larger proportion of passengers than you can by any other means; and, moreover, you would have greater security for the conveyance of treasure, jewellery, &c., as well as your own despatches; any valuable property which might be committed to the charge of those steamers from Calcutta would be brought to London with greater despatch and greater security, by having a continuous chain of communication for that, and that alone.

1076. Mr. *Mullins.*] Do you not also imagine it would encourage a great number of persons residing in this country to go out to India, who would not form such an idea at present?—Decidedly. In my communication with families connected with the East, they have told me they would go to Egypt, and that would bring individuals from India to meet them in Egypt. They would stay a month visiting Upper Egypt, and after seeing what was to be seen there, they would return to England again.

1077. *Chairman.*] I suppose you know better than anybody that the greater part of the homeward cargo from India generally consists of children?—Yes.

1078. It would probably be an inducement to send them by the Red Sea, if there were a continuous route to London?—Yes; that is exactly what I wish to state.

1079. What is your opinion of that?—I have already stated it would make a difference of 1,000 passengers a year in the aggregate, and the attempt to do it on any other plan would entail a considerable expense, which you could not meet;

meet; but if it were done upon the comprehensive scale, with one continuous chain of packets throughout, I am confident it would not only pay itself, but would be a source of profit to whoever undertook it. Captain *J. Barber.* 30 June 1837.

1080. Do you think there would be any cargo to England?—I think there would be samples, measures and light cargoes, such as cochineal and other things. I am not an advocate for making packet boats cargo boats, for you obstruct their speed immediately you bring them down in the water when they start, and when you lighten them too much they have not the same power in the water.

1081. But there are light articles, such as millinery, which might be sent from England?—Yes.

1082. And there may be valuable articles of small bulk?—Yes, valuable articles of small bulk, and light bulky articles will go by that route.

1083. Mr. *Mullins.*] In those light vessels you have been speaking of, how many tons of cargo do you suppose they could take, independent of the passengers, their luggage, and fuel?—I think they could take 50 tons of light goods.

1084. How many passengers should you calculate upon?—Those boats are only calculated for 40 passengers.

1085. Is it your opinion they could take 40 passengers, with every convenience and comfort which passengers going a long voyage of that description would require?—I think they could, as they would not have them so great a space of time on board. That number is far in excess of what they would have for some time. The calculation made for passengers going from Socotra to Bombay is only ten, though the boats would have a far greater capacity.

1086. Is it your decided opinion that a vessel of this size would take a sufficient supply of coals, and still retain space for 50 tons of light cargo?—Yes, I think so.

Major *Charles Franklin Head,* called in; and Examined.

1087. *Chairman.*] HAVE you given your attention to the subject of steam navigation to India?—I have given a great deal of attention to it for the last six or seven years. I examined the proposed route six years ago, and on my arrival in England I found many persons desirous to communicate on the subject. I was requested to make out a report upon the practicability of the plan, which I did. I presented it in 1833 to the India Board, to the India House, and also to His Majesty; and at a personal interview His Majesty wished me to continue my attention to the subject. From time to time I communicated in reference to it, and have various papers which passed between myself and the Government. Major *Charles F. Head.*

1088. What is your opinion upon the subject of a continuous communication?—My opinion is that it is quite practicable to any port of India to which it may be desirable to go. I expressed a detailed opinion before a Committee of the House of Commons in 1834. At that time I brought forward a good deal of data, bearing out the grounds upon which my opinion was formed, both in respect to weather and to stations and distances, and the power and capacity of steamers. I thought it was quite practicable, and since then many favourable circumstances have confirmed that it is so. At that time the Island of Socotra had not been surveyed. I had been there, and made a report from personal observation; the Island of Camaran had not been mentioned. I had been there also and spoke from personal observation; those two stations are now recommended, having been surveyed. The Red Sea had not then been surveyed, and now a complete survey is published. The Committee in 1834 made a favourable report, and it will be thoroughly borne out by subsequent information.

1089. Sir *John Hobhouse.*] With respect to the navigation of the Red Sea by steam-boats?—Yes; in fact, in every particular.

1090. During all times of the year for a monthly communication?—Yes, this may be done.

1091. *Chairman.*] Are you of opinion that Socotra and Camaran are good places for depôts?—I consider they are the best depôts we can have; there are several other places which may be made depôts, but I consider Socotra and Camaran are the best, from various causes.

1092. Were you ever in the Island of Perim?—I was on shore at the Island of Perim.

1903. How is that calculated for a depôt?—The position of it is very well calculated

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culated for a depôt; but I consider the Island of Perim has objections. In the first place, it is uninhabited, and is a sandy low island, with brushwood and bushes upon it. As to water, I do not know whether it produces any or not. It has nothing to recommend it for a depôt but its position, and I think its position is not so favourable as Aden, situate also at the entrance to the Red Sea, or not more favourable.

1094. Have you ever landed on the coast of Africa near Cape Guardafui?—No; I have read with a great deal of attention Captain Owen's reports of the East Coast of Africa, and Captain Boteler's, who surveyed it; and from their reports there might possibly be a good position found upon that coast, both for trade and occupation.

1095. Have they stated any particular point where it could be established?—No, they have not; I do not think their survey extended so far as Guardafui.

1096. Then it is a mere matter of speculation on their part?—Their report extends to the southward of that; and they remark on the trade that is now going on there, and upon the probability of an increased trade, and upon the injury of our not looking into the thing more than we do. The Americans hover about those parts a good deal; a number of their vessels touch there. Captain Boteler remarks that the foreigners are possessing the trade which ought to be ours; they are increasing that trade to a great extent.

1097. But they have not pointed out any harbour or roadstead that is adapted for a depôt?—Captain Owen has given a map of the coast, but I have not a recollection of it. I think, however, if there was a harbour found there, it would not be so useful to us as Aden or Socotra. They are a wilder set of people on that coast; on the Arabian side they are extremely friendly and well-disposed. I have heard Maculla, the sea-port of Abyssinia, mentioned as a depôt, which would be a very useful one.

1098. You do not think it would be so useful as Socotra?—I think Aden and Socotra would be more useful. I more particularly mention Socotra, because commerce would grow around that depôt, and there would be no occasion to change at a future time.

1099. Have you formed any plan for completing a continuous communication?—I gave in a paper the other day, which I believe is now before the Committee.

1100. I see you propose that the line should begin from England to Alexandria?—I do, for many causes, but more particularly in reference to economy; and as this measure has been kept back on account of expense, I fear, if it is commenced in a partial or imperfect way, it may be lost to the public again, and a much greater objection may be raised against it than now exists. Therefore it should be founded on a plan to combine all sources of profit, and be connected with commercial and Post-office arrangements. With the present Post-office regulations it will not make a very ample return; for instance, I made an application myself to a stationer to send a pamphlet to India, and was told it could only be sent as a letter, so that of course it was not sent at all. A monthly magazine, I believe, costs 25 *s.* through the Post-office, which is tantamount to a prohibition. Parcels are more out of the question than magazines, as they are also paid by weight.

1101. They will not receive parcels on board the Post-office packets?—I made the application, and I think it desirable to put the Committee in possession of the above fact, for it is a point upon which the Indian community dwell as one of great importance, being permitted to have publications and parcels of different kinds transmitted by this route.

1102. You mean periodical publications, and so on?—Yes; also invoices, accounts current, law papers, &c.

1103. You do not mean pamphlets and things of that kind?—I mean to include all monthly and periodical publications.

1104. They wish to be permitted to transmit them by mail?—By the packet, at a certain fixed price; at present they only transmit them as letters.

1105. You do not mean that they should go in the letter-bags?—No; but that they should go by the same conveyance.

1106. That they should be received into the packets at Falmouth, to be conveyed by them?—Yes.

1107. Sir *John Hobhouse.*] Is the Post-office to be the department which is to take upon itself the responsibility of that conveyance?—I do not know who would be made responsible for the conveyance.

1108. The King's packets are restricted from taking any parcels?—Yes; they do

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do not take any parcels for India, because, I am told, they consider that letters may be enclosed in parcels, and therefore prohibit them altogether; but the transmission of periodicals is of great importance, and with respect to the steam communication now established upon the Ganges, there are no persons feeling the benefit of it more than the publishers in Calcutta, and there is great benefit derived from the circulation of periodicals and publications throughout India by internal steam communication. That was established not without a view to its being finally connected with steam communication with England. They look for a cheap transmission of monthly periodicals and newspapers and various other things throughout the country. I believe the West Indies are permitted to have parcels sent out by the packets. The bearing of this is that the merchants in London consider that upon establishing this communication with India, at least 15,000*l.* a year would be contributed towards the expenses, by the transmission of periodicals, invoices, law papers, &c.; therefore if this sum of money were received on that account, of course it would relieve the public of a like sum above what is necessary to open the communication above postage alone.

1109. How many vessels do you propose to employ?—I propose to employ five steamers between England and Egypt, each vessel having between 70 and 80 days' steaming a year. All the work on the Indian side would be performed by 10 steamers, each having from 70 to 80 days' work a year. It is a very curious fact, that in carrying the communication to India, if you divide the distance into three parts, the first being from England to Alexandria, the second being from Egypt to Bombay, stopping at Socotra, and the third being from Socotra to Calcutta, there is so little difference between the three distances; the first portion of the work on the Europe side of Egypt requires 24 voyages, of 3,100 miles each, making the distance to be run 74,000 miles annually; the second portion, between Suez and Bombay, includes in 24 voyages 73,440 miles annually; the third portion takes, between Socotra and Calcutta, for 24 voyages, 74,640 miles annually; so that in any one voyage there is not a difference of more than 50 miles in distance.

1110. I believe that the inland voyages tally very much; for instance, it is nearly the same distance from Calcutta to Madras as from Bombay to Ceylon, and it is the same distance, again, from Calcutta to Galle?—Yes; I therefore propose to divide the whole into three distinct establishments, as a matter of calculation. If the communication is extended throughout the East, of course that would not be necessary, the boats would then alternately succeed each other in the different ports; if divided into three portions, the number of vessels to be employed will be precisely the same, therefore the expense which will be incurred by each of the three portions will be nearly the same, with some little addition from the expense of coal in the Red Sea between Suez and Bombay. To carry out this communication, as I before stated, it is proposed to have five vessels between England and Alexandria.

1111–12. Of what tonnage?—That is a question depending upon the quantity of traffic. I think 600 tons register would be sufficient; they will carry everything that is necessary for the longest distances they have to run.

1113. Do you mean from England to Alexandria?—Throughout the whole line; I have made my estimate upon that. I propose to employ five such vessels from Suez to Bombay, and five from Socotra to Calcutta, with a spare vessel in India, making an extra vessel on the eastern side, to be used as occasion might require, without its being regularly employed, but available in case of emergency. There will, therefore, be five vessels on the western side of Egypt, and 11 vessels on the eastern side. This plan would give each vessel on each side from 70 to 80 days' steaming a year, which is looked upon as a very good proportion of time, and enables everything to be economically done in the way of repairs at the depôts, also the engines to be cleansed, and so on. It could be done with a less number. The actual work could be done with four for each portion of the distance; four from England to Alexandria, four from Suez to Bombay, and four from Socotra to Calcutta.

1114. Mr. *Mullins.*] You thought between 600 and 700 tons was sufficient for these vessels?—Yes, with 180-horse power; and they might carry from 700 to 800 tons.

1115. Is it your opinion that 180-horse power will be sufficient for a vessel of such tonnage?—It would be sufficient; a larger vessel would be more expensive. Economy being an object here, I think 600 tons is all that is necessary; the vessel would carry 60 passengers, and fuel for 12 or 14 days, which is the outside

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of what would be required, and would give stowage for parcels to the amount of 40 or 50 tons, which would be enough in this communication.

1116. And looking to economy, do you really believe that would be the best sized vessel?—Yes, looking to economy; looking to convenience, a larger sized vessel would be better; but as this has always been put upon the question of economy, it would be dangerous to incur a great expense in beginning this arrangement.

1117. Do you not think if larger vessels were to be built in the first instance, the returns from larger cargoes would meet the additional expense?—The returns from larger vessels might be greater, but that is a mere matter of speculation in the first instance. We average so many passengers, taking a 600-tons vessel, and we do not average a greater number of passengers if we take a 1,000-tons vessel. The return of passengers is an imaginary thing, and therefore would make no difference in the present estimates.

1118. If hereafter it were found that these vessels were too small for the purpose, on account of the increased rate, should you not then say there would be a great loss from the necessity of dispensing with those vessels and obtaining larger ones?—No; I should say employment will be found for those vessels. There will be a communication established out of this between Socotra and the Mauritius, touching at Seychelles, which islands are capable of improvement in various ways, and there would be a communication from Ceylon to Sincapore, which would go to China, and if the Dutch government give encouragement to go to Batavia, and on to the northern point of Australia, where at this moment an idea exists that a settlement might be advantageously established for trade with native vessels in the China seas, for the exchange of trepang, which is a great article of trade there, and which is carried to China in great quantities. Were there an English settlement at Raffles Bay, it is believed the trade might be a good deal advanced.

1119. Then you are of opinion that those small vessels would be in demand sufficient to prevent any loss?—Yes; as in England, when larger vessels take the place of small ones, the small ones have been placed on other stations, and there has always been a demand equal to the supply that could be obtained. I may also mention that there is at this moment spirited exertions making to establish steam communication upon the Indus, which would take some vessels in that direction. The countries on the borders of the Indus are now supplied, to a great extent, by goods from Russia, by way of the Caspian Sea; and Captain Burnes states, that to get through those countries, he was obliged to employ persons connected with Russian trade to enable him to do so. British produce being put by these means on the banks of the Indus at a cheap rate, would drive a great deal of Russian influence and trade from those parts. British goods are brought from Russia and sold cheaper than they are now carried by the present mode of communication from Bombay. The commerce upon the Indus has already began, and treaties have already been made with the native princes to carry the communication as high as Hyderabad.

1120. Sir *John Hobhouse.*] Are you aware that the Imaun of Synd has expressed an intention to contract for two steam-boats to navigate the Indus?—I have heard so. It is also understood that trade will extend very much upon other rivers as well as on the Indus. It has been confirmed by Captain Burnes that the trade may be carried up to Attock, 1,200 miles from the sea, and from Attock it might branch off to the west. I have seen some communication lately from India, speaking in a favourable manner of the prospects and probable success of the trade by the Indus, and that it is already going on and likely to be extended.

1121. Mr. *Mullins.*] Have you understood that a company is actually formed for the purpose of establishing the communication between Point de Galle and Melville Island?—I have not heard of that company. A merchant in London mentioned to me that they had sent to him respecting steam vessels to form a communication between the Isle of France and Ceylon.

1122. That is not the same company?—No, it is a different company; but it shows how greatly steam navigation is extending. It is peculiarly adapted for those seas, because, when you have trade winds in or narrow seas, you are detained months, when a few days would carry you through the passage by steam.

1123. *Chairman.*]

1123. *Chairman.*] You are chairman of an association for establishing steam communication with India?—I am.

1124. I presume you have received a great many communications from different persons interested in that project?—I have received a great many communications, and I shall be happy to give the contents of them to the Committee; they are contained in these papers, which I beg to hand in.

[*The same were delivered in.*]

There might have been later communications from India, which would no doubt have been more satisfactory, as those in my possession only treat of this project in its infancy. The circumstance of our letters of September not having reached Bombay at the time of departure of the last steamer in January, and those letters having been about 140 or 150 days *en route*, is a strong argument why steam communication should be regularly established. It is expected that the September, October, November, and probably the December mail will have been conveyed to India by the same vessel from the Red Sea.

The association of which I am chairman was formed in consequence of the great delay that took place in establishing this communication to India. In reference to it a letter was received from Sir John Hobhouse of the 27th August last, requesting to be furnished, for the information of His Majesty's Government, with a plan and list of the parties prepared to carry out this measure; but that being at a time of year immediately after the prorogation of Parliament, many persons had left town; some were on the Continent. It is proverbially a dull time of the year, also a great depression was at that time beginning to be felt in the money market; but notwithstanding, it will be considered a strong demonstration of the feeling existing that the Committee were able to send in, by the month of November, a plan for a complete steam communication between this country and India, with a list of subscribers for effecting it, which list is now on the table, containing the *bonâ fide* signatures of most of the leading firms connected with India in the city of London. There were also representations made from various commercial towns of England, Ireland and Scotland, expressing a desire for a steam communication to India by the Red Sea. By the accounts from India it will be seen that parties at all the presidencies were prepared to support the proposed arrangement for this communication as soon as a prospectus should arrive from this country to enable them to do so (the outline only having been received). In fact there would be no difficulty in carrying out the measure, provided it met the approbation of His Majesty's Government and the East India Company.

1125. Are you authorized to make to the Committee any specific offer with a view to carry this project into effect?—The last proposal to His Majesty's Government not yet being, as I am aware, disposed of, I have not another with me, nor any further plan; but if such was required by His Majesty's Government, there would be no difficulty in arranging it.

1126. Sir *John Hobhouse.*] At present you are not authorized to make any offer, the terms of which you think this Committee, acting on behalf of the House of Commons, should be acquainted with?—Nothing more than what has been already proposed.

1127. Mr. *Mullins.*] I think you stated you had been at Camaran?—Yes.

1128. Are you competent from your examination of it to form an opinion as to its being well adapted for a depôt?—I think that island is very well adapted for a depôt. It has a safe and good harbour. It stands about 20 miles from the continent, and therefore it is safe against all Arab incursions, which are frequent in those parts. It also stands in a position to command a great deal of trade; because the coffee country of Arabia is immediately opposite. It is opposite Loheia, which might have more trade than any other place in the Red Sea. I find the quantity of coffee which comes from Arabia is not less than 12,000 tons in the course of a year.

1129. You are not aware that there is any difficulty in steamers getting into the harbour of Camaran?—None whatever. I went into the harbour in a sloop of war, which I should think would draw as much water as any steamer; and I can also mention that numbers of ships have been there at different times. It is a place which was commonly resorted to as an anchorage in former times.

1130. You never heard there was a bar across the entrance?—Not to prevent ships getting in.

1131. Is there any other advantage Camaran possesses independent of those

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you have mentioned?—It has another advantage in point of trade. It is situate opposite to Massouer, which is the port of Abyssinia for trade. When I was at Camaran, I found boats that had come from Arabia and Africa, also from Mocha. There appeared to be a bustling, nice business going on.

1132. From Abyssinia?—Yes; from Abyssinia and Arabia there is a great interchange of commodities. There are about 100 families at Camaran. There is also a fort, which is a protection to the harbour, and when in the harbour it is as smooth as a mill-pond.

1133. Is it your opinion an advantageous trade and a lucrative one might be established by adopting Camaran as a depôt?—I consider a lucrative trade might be drawn there by an European market being established. We now get our manufactures there at a very expensive rate. Any communication of this kind would produce a great deal of trade to repay us for it.

1134. Looking at the past, have you any data to show the trade is likely to be increased?—The people are extremely anxious to possess themselves of various manufactures which they want, all along the shores of the Red Sea; and we found that they brought their commodities to exchange, but we had very little to give them. In one instance I may mention that some dragon's blood was exchanged with the surgeon, who gave what was thought a fair return for it; afterwards he found, by the London prices, he got, I think, to the value of 10*l.* for 5*s.*

1135. In your former evidence, before the Committee in 1834, you stated, Mr. Salt observes that in Massouer the duties were in Mr. Salt's time (in 1809) 20,000 or 30,000 dollars annually, which, at 10 per cent., made the value of the imports 250,000 dollars annually; are you aware that amount would be likely to be considerably increased in accordance with his opinion?—The opinion of Mr. Salt is confirmed in a satisfactory way by Captain Moresby, who recently made the survey of the Red Sea just alluded to. Captain Moresby thinks there would be no difficulty in establishing agents there, and Captain Moresby mentions that coffee, cotton and indigo are the spontaneous produce of the country.

1136. Do you think a like result would ensue from the establishment of a depôt at Socotra?—I have no doubt that it would bring a great deal of trade to Socotra, for there is no direct European intercourse at present on the eastern coast of Africa. Looking back to Portuguese histories of those countries, which describe them, as they discovered them they were rich countries, producing gold dust and valuable commodities.

1137. Can you give the Committee any opinion as to the likelihood of increasing the commerce of Egypt?—No doubt there would be a great increase of the commerce of Egypt. The position of Egypt has only to be looked at to show the great increase of commerce it is capable of. In the intercepted letters of Monsieur Paussielgue, the comptroller of the French army during its occupation of Egypt in 1799, it was stated, by seizing Egypt France would annihilate by degrees the East India trade, enter into it with advantage, and get into her hands the whole commerce of Asia and Africa. In another portion of the same correspondence, it was mentioned, that with the possession of Egypt, in a few years, the plague and other evils which afflict and desolate it, would be removed by the French, and give to agriculture and commerce an activity which would restore that country to its ancient splendour and make it the centre of universal commerce.

1138. Have you considered whether it would be better to make a passage from Cairo to Cosseir, or from Cairo to Suez?—For persons who are going for dispatch, Suez would be the station; for persons who are going for pleasure, Cosseir, most generally, would be the station, by the route of Kennah, on the Nile. If that communication were established, there would be some iron steamers upon the Nile, which is also well adapted for that purpose, like the steamers now working on the Ganges, and there would be easy intercourse by that means to the ruins of Thebes, in Upper Egypt, which are so attractive that few persons would pass without going to visit them.

1139. Do you think for the convenience of packages and parcels the communication by Cosseir, or by Suez, would be the preferable one?—Decidedly the mail by Suez; but I think the greater portion of the passengers would go up the Nile. It is a very pleasant detour. By that means also you would avoid occasionally a troublesome part of the voyage.

1140. Then you think that part of the sea called the Sea of Suez is more difficult for steam than the southern part of the Red Sea?—For two or three

three months in the year, when the wind blows strong in the Sea of Suez. It might not be found desirable for steamers to go beyond Cosseir in that season, because there is no absolute occasion for it; the distance from Cosseir to Cairo, by route, being sufficiently quick to overtake the packet in the time allowed to pass to Alexandria. There is little difference in point of time between proceeding by Suez and Cosseir to Alexandria; that is, you cross from Cosseir in the time requisite to carry on the communication, as six days is the time given to cross from Suez to Alexandria.

1141. Is the communication equally practicable and equally safe between Cairo and Cosseir?—I was at Cosseir and at Suez. I landed at Cosseir, and went by Thebes and Kennah, down the Nile to Cairo, and again across to Suez, to look at the country. When at Cosseir a despatch was sent to Cairo without any difficulty; it was sent as a matter of course; and I found afterwards that it reached Cairo in seven days. There was no particular arrangement made; it was merely sent by an ordinary Arab conveyance.

1142. Are you aware that there is a better supply of water from Kennah to Cosseir than between Cairo and Suez?—The supply of water found in the Desert of Cosseir is sufficient for travellers. The wells may be easily deepened. They are now very much neglected. There has been a boring made in the Desert of Suez, and water has been found.

1143. At what depth has it been found?—At no great depth. In the first instance they gave up when they came to the rock, but afterwards they went through the rock, and soon found water. I do not think the whole depth was above 24 feet. They came to clay, and they found in the clay sufficient water. It was an experiment made by Englishmen, employed by Mr. Briggs of Alexandria.

1144. You refer particularly to the Desert of Suez?—Yes. In the Desert of Cosseir there are several wells. I have already stated they are in an indifferent state, but capable of improvement. There is no one to superintend or protect them, and they are injured with stones or anything else.

1145. Have you any reason to know whether the Pacha of Egypt would charge reasonable duties for the passage of goods between Suez and Cairo?—My opinion is, that this country can always influence the Pacha of Egypt, because the revenue of Egypt is raised principally, or to a large extent, by supplying Arabia with grain and other produce, butter, oil, &c.; and steam communication will command that trade completely, therefore the Pacha's revenue being in question, would lead him to submit to any reasonable terms which the British Government might require.

1146. Then your opinion is, that it would be to the interest of the Pacha of Egypt, or any of his successors, to sustain and encourage this communication?—The Pacha of Egypt has expressed his desire for the communication. I had an interview with him. He spoke about the route to India, and expressed himself much interested in it. He has done so to other persons. He is ready to enter into any fair arrangement which might be offered. As to the present conveyance that is carried on, which is the conveyance of passengers, he makes no difficulty about it, and does not interfere, except to see that they are treated with civility and kindness by his authorities. You make your bargain with the natives for the number of camels you require, which you obtain at a very reasonable rate, so much so, that you can carry a ton of goods across the Desert for 20 *s.*

1147. Do you think it would be for the interest of the Pacha and his successors, independently of any friendly feeling, to encourage the British communication through Egypt with India?—The Pacha feels it is his interest, and is anxious to forward it. He is disposed in every way to favour it, and contribute towards it, and has offered to establish a railroad by way of facilitating it.

1148. Do you think, from the information you have upon those subjects, that from the effect which the British communication with India through Egypt would have, his successors would be guided by similar principles?—Most decidedly; it is the interest of Egypt to have that communication; so much so, that there can be no reason for supposing they will not at all times give every facility to having it continued, and for improving and enlarging it as much as possible. Egypt is a very impoverished country, and the money which would be spent by passengers passing through it would be of immense benefit to the people.

1149. Have you considered what sized iron boats it would be advisable to

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have upon the Nile for the purpose of carrying on the communication?—They ought to be boats drawing no more than four or five feet water; boats very much like those sent out to the Ganges, drawing perhaps two feet and a half. I went down the Nile at about the lowest time of the river in December, and I found there would be no difficulty in boats of the description I have mentioned navigating it. In the same way steam-boats would navigate from Alexandria round by Rosetta to Cairo, so that you would have no difficulty at all in making the communication.

1150. What is the tonnage of those boats?—They are about 60-horse power and 200 tons, and they have a boat in tow of equal size. There are two of them, and one is the tug-boat.

1151. Have you ever understood there was a description of coal in Syria which is likely to be available for purposes of steam navigation?—Yes, coal has been found there, and it has been supposed it would answer the purpose perfectly. It is not yet worked out; it is in progress of experiment; but it has always been looked to as being likely to be brought forward, and to benefit steam navigation in those parts.

1152. You are not aware whether it would be a matter of importance to work those mines, looking to the cheapness with which coal may be delivered at Alexandria from this country?—Vessels go out in ballast so much from Liverpool that they take out coals in freight; and I mentioned to the Committee of 1834 an estimate given to me by a merchant in London, who offered to deliver coal at Alexandria to any extent at a very moderate sum.

1153. Have you formed any calculation as to the rate at which coal might be obtained at present, in the event of a regular communication being established?—I have formed a calculation throughout the line; I estimate the cost of coal between London and Alexandria at 30*s.* a ton.

1154. Do you suppose that description of coal the Liverpool vessels take out in ballast is that which would be used with the greatest economy?—That would be the coal which would be used generally, and it would be carried across to the Red Sea to Suez.

1155. Do you think it would be the best mode of conveying the necessary supply to Suez?—It would be decidedly more economical than any other mode of supplying it, particularly as the mode has been to bring it from India to the Red Sea at an enormous expense. The East India Company have put their coals down at 6*l.* or 7*l.* a ton. I have a note here from a coal-merchant, who says he should be glad to supply steamers with any quantity of coal, suitable for that purpose, at 1*l.* 14*s.* per ton (that was in 1834) at Alexandria; and another gentleman gives an estimate of his being able to supply coals at 40*s.* per ton at Bombay; upon those estimates the calculations are made throughout. During the south-west monsoon vessels going to Bombay go very near the Island of Socotra, they approach within 200 or 300 miles of it, and the wind would enable them to bear up to the Island of Socotra to deposit some coal there, and then proceed upon their voyage; so that it is probable the extra expense would in a short time be no more than 10*s.* per ton above the Bombay price. I have, therefore, estimated the price of coal at Socotra at 50*s.* per ton. I have supposed that at favourable seasons of the year coal might be carried from the Island of Socotra up to the Island of Camaran, and would be delivered there, no doubt, at 60*s.*; and by the same route there would be no difficulty in getting them to Suez at a future time probably at that price.

1156. Is it your opinion, that under no circumstances would the price of coal at Camaran or at Suez exceed 60*s.*?—That, I think, would be the outside. I think when the passage is known, and the navigation is better understood, the price will fall; and this is confirmed by the opinion of Captain Wilson, who commanded the Hugh Lindsay up the Red Sea. He mentioned in his report, that a mercantile gentleman in Bombay stated his opinion that the depôts could be supplied with coals at 25 rupees per ton; but he adds, let us say 30 rupees, to be on the safe side; he says, in all probability they could be supplied for 25 rupees, but he takes 30, to be on the safe side; and that is the estimate he forms.

1157. Should you think it advisable to have any other depôts on the coast of the Red Sea?—No other is requisite.

1158. Not at Mocha?—There might be some coals laid down at Mocha and at Jidda; but few of these steamers would have communication with those places. They might, however, take in coals, if by chance they wanted any, and so they

they might at the Maldives, between Socotra and Galle, of which they have sent a plan from Calcutta, and where there is safe anchorage.

1159. At which of the Maldives?—It is the Island of Heavandoo, which is one of the head of the Maldives surveyed by Captain Moresby.

1160. Is that one of the southern islands?—No. It is the northern Atoll of the Maldive Islands.

1161. Do you think it would be advisable to have a depôt at Heavandoo?—There might be a deposit of coal there to afford a supply in case it is required.

1162. What is your opinion as to the price of coal a voyage between Bombay and Suez, Mr. Peacock having stated it to be 5,000*l.*?—I should wish to say that that calculation is formed upon the original estimate which was mentioned by Mr. Peacock before the Committee of the House of Commons in 1832. It was calculated in this way: the coals were purchased in London and freighted to Bombay, costing in the first place about 34*s.* per ton in London, freighted out at 40*s.*, and as much more to the Red Sea; by being freighted from Bombay, raised them to about 5*l.* or 6*l.* per ton; and then other expenses were thrown in, making 7*l.* per ton. Mr. Peacock stated before the Committee in 1834, that coal was sent direct from Lenellah by a ship freighted for the purpose, and those the best coals for steamers, handpicked on board, cost only 34*s.* a ton at Bombay, which quite removes the question as to enormous expense, as in the first instance.

1163. Then your opinion is that the evidence of Mr. Peacock has given is not founded upon data which the Committee would be justified in assuming as correct?—Not correct data at the present day. Those coals were sent probably before the thing was understood, and they were sent in the way mentioned; and that is the estimate of 5,000*l.* which was calculated as the cost of the Hugh Lindsay in each trip, still taken into consideration in Mr. Peacock's evidence at the present day. I also wish to mention that the expense of the Hugh Lindsay has no affinity, and is no rule as to the steamers which would be now employed, as to comparative expense. She was a vessel built only to carry five days' supply of fuel; she is in this voyage laden for 12 days. She was built for a man-of-war, has a speed of four or five miles an hour at first, and she attains only a speed of eight miles; she is therefore going at double the expense which a steamer properly suited for the purpose would do.

1164. Do you think, looking to the accommodation of the passengers, and their safety and comfort, it would be advisable that the captain should have any control over the provisions, and of providing them during their passage?—I think if they were provided upon the plan of the free-traders, which now go backwards and forwards to India, there could not be a better arrangement. They give very general satisfaction to their passengers.

1165. Will you state in what way they are provided?—I am unable to state accurately; I believe there is an arrangement made between the captain and the owner of the vessel. A certain allowance is given for the passengers, and he takes the rest under his control. It would be a proper arrangement to be made with a private company; but in a Government establishment it is difficult to say how it could be best done. The present system does not give general satisfaction, and it is difficult to know how it could be improved in a Government establishment. In that respect I could not offer any suggestion. I do not know the particular arrangement that is made.

1166. Do you think the combined plan preferable to the single one to Bombay?—Certainly. One reason for recommending attention to the combined plan is to insure the plan to Bombay being in the first place efficient, and being kept up, because the general benefits being so much more extended by the combined plan, even if the net expense by that means is not reduced, there would be a greater recommendation for its continuance; also as great moral benefits are expected to arise from its being connected with internal navigation of India by the Ganges and the Jumna; and as steam navigation altogether has been considered so much as a matter of expense, there would be great danger to the cause from insufficient returns causing it to miscarry. For that reason I think it would be necessary for the communication to commence upon a plan to be carried out to the full extent, even if it is not so immediately.

1167. Sir *J. Hobhouse.*] You have heard that objections have been made to Mocha as a fit depôt for coal; do you know any place in the neighbourhood where a depôt could with great advantage be formed for that purpose?—Immediately out of the Red Sea, at the harbour of Aden, which is not more than 150

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miles by sea from Mocha, and a shorter distance across the country, there is an admirable bay where steamers can lie at all times near the shore, and where there is water in abundance.

1168. It is well adapted for the shipment of coals, in fact?—Yes. By having coal there instead of at Mocha, probably 10*s.* per ton would be saved in the price of coal. One of the great expenses in freighting vessels from England is getting in and out of the Red Sea, in consequence of the fixed winds. The passage is very narrow, and vessels are frequently forced to put back after making the attempt to get through the Straits of Babelmandel. At the outer anchorage at Mocha the winds are frequently so strong as to make it difficult to communicate at all with the shore. Under these circumstances it would be very unsafe to supply coals for a packet establishment, from the risk of detention likely to occur.

1169. Mr. *Mullins.*] Is Cosseir a safe harbour?—Cosseir is sufficiently safe.

1170. Will you state whether you have formed any opinion as to the political considerations why the occupation of the Red Sea, in conjunction with steam navigation appears desirable?—I have. In this case our fleet having naval possession of the Mediterranean would at all times secure to Great Britain a certain intercourse with her Eastern empire. The eastern part of this route from Egypt to India would be secure and free from interruption, by our occupation of the Cape of Good Hope, and the consequent impossibility of any western nation sending and maintaining steam vessels in the Indian Ocean, where the prevailing weather and frequent calms would render any other description of force, in case of hostile collision, of little avail. The revenue of Egypt is principally derived from export trade and commerce with nations bordering the Red Sea, liable to interruption by steamers there, and the export trade of Alexandria could in the same way be controlled by the fleet in the Mediterranean; the co-operation and good faith of Egypt would therefore at all times be secured.

There are places towards the lower part of the Red Sea where commercial establishments would bring on influential and extensive intercourse, and give rise to habits of industry and civilization among a fine class of people, who, if required to render assistance, as mariners or otherwise, are well suited for tropical service, and would be useful allies in commercial or warlike operations. The remark applies particularly to the natives on the east coast of Africa and Zanguebar, where the Americans have recently negotiated to be permitted to form establishments for trade. The occupation of the coast alluded to, including Zanguebar and the Island of Socotra, by a maritime nation, would almost insure a command of the trade between Europe and the East, by the Red Sea, and perhaps by the Cape of Good Hope. It will be seen by Horseburgh's instructions for navigation to India, that during several months of the year vessels frequent the passage between the Island of Mozambique and the coast of Africa, and consequently are obliged to pass within a short distance of the Island of Socotra.

On our western frontier of India the Indus river is navigable for 1,200 miles, from the sea to Attock, at the foot of inaccessible mountains. A great benefit must follow the introduction of commerce and navigation on that and the other rivers of the Panjaub. This can only be done by making the science of steam navigation familiar to our subjects on the western side of India. At present there is but one steamer (the "Hugh Lindsay") belonging to the Bombay establishment. A native has already been induced to procure a steam vessel for the purpose of trade and intercourse between Bombay and Surat. Commerce is beginning on the Indus, and the first expedition sailed for Lodiana in 1834. It is remarked in the Bombay papers that give information on this subject, there is no want of enterprise among the natives to take advantage of this new channel for trade and speculation. If this commercial spirit is encouraged by steam navigation being introduced on the rivers of the Panjaub, many important points will be gained to this country. Commercial transactions will be extended, to the benefit of our manufactures, whilst political relations will be strengthened in that quarter, which is the vulnerable portion of our Eastern empire. From the neglected state of trade and manufactures with the natives in the vicinity of the upper portion of the Indus, commercial intercourse is now maintained between Russia and those countries by the route from the Caspian Sea. This trade of Russia is connected with abstract and political views, and tends to promote and keep alive disaffection in the Eastern world, at all times prejudicial to the interest of this country, and creates suspicion which may at any time lead to collision.

The same reasoning that might be strongly urged to advance the enlargement of

of commercial connexion on the Indus is also applicable to the occupation of the Persian Gulf, and the rivers which flow in that direction. A doubt, however, presents itself in respect to the policy of improving navigation on the higher portion of the latter, from the circumstance of their having their source not far from the Russian territory. English merchandize introduced from the sea as high as Anna on the Euphrates, and to Bagdad and Mosul on the Tigris, both of which rivers are thus far accessible for steam navigation, would have great effect in checking intercourse and influence advancing from the north under the cloak of commercial connexion.

The expensive mode at present followed by England of supplying a principal portion of Arabia and Persia second-hand, *via* India, with articles of European manufacture, will in a great measure account for the political depression of British influence in those countries, as well as with the nations that border the Red Sea and the Indus.

1171. Have you any further remarks to make as to the commercial benefits and advantages of a general steam communication to the different presidencies?

In early ages the Red Sea was generally navigated for purposes of commerce between Europe and Asia; with the plans now projected for facilitating the transit of goods across the Isthmus of Suez by a railroad, and through the adjoining seas by steam apparatus, a question arises, how far the Red Sea will resume its ancient character? Without at present going fully into this important investigation, I will remark on such points as present themselves to the minds of all who traverse by this route.

The nations on both sides of the Arabian Gulf, and also on the eastern side of Africa, show every wish to exchange the produce of those countries for articles of European manufacture, such as gunpowder, fire-arms, light clothing, cutlery, ornaments, &c. As to the probable extent of such transactions there is no data on which to form any opinion. The mode by which those countries are at present furnished is most discouraging to the industry of the people. They have no direct intercourse with Europe, but receive manufactured articles, *via* Egypt or India, at double or treble the price if a direct intercourse was established. These remarks particularly apply to Arabia, Abyssinia, and the east coast of central Africa, Socotra, &c., which countries come in direct contact with the route in question. They have been almost totally lost sight of by Europe for centuries, and excluded from British enterprise in consequence of Mahommedan fanaticism to the north of Africa, and the East India Company's trade monopoly to the south. In examining the question, the introduction of English manufacture in the following instance is worthy of remark. Previous to the opening of the Indian free trade it was contended that no great increase of trade in that country could be expected; and in a letter from the Chairman of the India House to the Right honourable Robert Dundas, in 1809, in reference to this question, he says the article of the first necessity (cotton) their own country furnishes more abundantly and more cheaply than it is possible for Europe to supply them. The effect of open trade in this article, has been as follows:

In the year 1814, the year the trade was opened, the export of manufactured cotton to India was	817,000	yards.
In 1815 it was	1,355,476	—
1819	7,127,661	—
1824	23,685,426	—
1827	45,016,850	—
1832	51,833,913	—

The value of cotton exported in the above time increased from 201,182 *l.* to 3,238,248 *l.*; and the value of all exports from Great Britain in the same period increased from 1,874,690 *l.* to 4,674,673 *l.* Finding this beneficial result produced by free trade when so little was expected, its probable result in adjoining countries to India appears to be worthy of inquiry, more particularly as other maritime and commercial nations are contemplating their occupation for commerce.

The exports of Arabia consist of coffee, gums, myrrh, senna, dates, balm of Gilead, aloes, and a great variety of valuable drugs. The annual exports of coffee from ports in the Red Sea is stated by Mr. M'Culloch, (who furnished the above report as to cotton,) to be 12,000 tons. The price of it in the London markets, taken at 100*s.* per cwt., and supposing it was valued at the place of shipment at only 50*s.* per cwt., there would be 600,000 *l.* available for

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trade by this article alone. From Abyssinia and the coast of Zanzabar are exported ivory, gums, frankincense, hides, and various drugs, also gold dust, &c., which are now exchanged for broad cloth, light clothing and cutlery, but the present state of that neglected country will admit of no opinion being formed of its capabilities. Mr. Salt, who visited Abyssinia in 1809, says, that there is no part of the world where British influence might be exerted with more beneficial effect. The Ras, or King, expressed his gratitude to the King of Great Britain for regarding the welfare of his country, and expressed his anxious wish for intercourse between the two nations.

Some idea of the resources of those countries will be formed by looking into their state when the passage by the Cape of Good Hope was discovered, and they were first visited by the Portuguese about three centuries ago, and at that time they had declined in importance, by the barrier which the followers of Islaim had raised to cut them off from European trade.

Vasquez de Gama and other Portuguese navigators report that a great trade was carried on between the south-west coast of Africa and India, and with the Red Sea; that the produce of the country (Sofala), which they considered ancient (Ophis), was gold, ivory, pitch and wax. They described several cities as places of great trade, and consisting of houses well-built, and streets conveniently disposed. From Melinda to Quiloa, near 400 leagues of coast, they remark on as very populous and full of towns; they also mention many islands bordering it that paid tribute. Quiloa is called an ancient and noble city, a place of great trade for Sofala gold, for which there was great resort of merchants from Arabia. The Portuguese plundered this city, and attacked, plundered and burnt many others which refused or neglected to pay sufficient tribute. They describe their frequent seizure of vessels, and of gold and silver, and altogether they began a reign of terror and rapine which could have no other effect than to put an entire end to intercourse along the coast or by water. Having ravaged the places within reach, they went up the rivers, one of which, the Cuana, runs 250 leagues in the country of Sofala, and reported by them as famous for its gold sands. The back country mountainous, delightful and well-peopled, and watered by many rivers. In 1513 Albuguerga arrived before the city of Aden, outside the Red Sea; it is described to be rich and famous for the resort of merchants of many nations, and situated at the extremity of Arabia, called Zemen, which was full of populous cities, fruitful, and of great trade.

His expedition entered the Red Sea, being the first Portuguese that had done so. He took four ships at the island of Camaran, where he wintered; and on his return went to Zeyla, a city at the mouth of the Red Sea, on the African shore; and this he described as a great market, which, being unprovided, was easily taken and burnt. In 1548 they sent an expedition to Suakin, a port of Abyssinia, and one of the richest cities in the East; it was said to equal, if not to exceed, the most eminent places in goodness and security of port, facility in loading and unloading ships, and traffic with remote countries. No city that the author knew could be compared to it in commerce but Lisbon; it traded with both peninsulas of the Indies to Jidda and Egypt, besides its trade with Ethiopia and the land of the Abyssinians, from whence it had vast quantities of gold and ivory. The above is enough to show that, on the borders of the route in question, opportunities offer for commercial enterprise which it would not be our policy to permit to pass into other hands.

1172. Have you prepared any calculations as to the expense of the different communications; first, between England and Bombay; and, secondly, from England to include all India?—I have; and the following is the result of my inquiries upon the subject:

No. 1.

ESTIMATE of Receipts for Steam Communication with *Ceylon, Madras* and *Calcutta,* in Excess of the same to *Bombay* only.

Passage, Suez to	Madras	£. 60
Ditto	Calcutta	70
Ditto	Ceylon	50

Average for messing for each passenger, 10*s.* a day for 38 days.

Net profit, say 47*l.* 10*s.* each passenger.

Passengers

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Passengers annually between Calcutta and Egypt	320
Ditto - - ditto - - Madras and Egypt	402
Ditto - - ditto - - Ceylon and Egypt	40
	600

	£.
Total 600, at 47*l.* 10*s.*	28,500
Passengers between intermediate parts	3,000
Deck and steerage passengers	5,000
Newspapers, periodicals, invoices, law papers, parcels, samples, jewellery, bullion, &c.	15,000
20,000 extra letters between England and India, at 3*s.* 6*d.*	3,500
Intermediate postages	600
	55,600
Bullion, samples, periodicals, &c. between intermediate places	—
Profit, 30*l.* each on the above 600 passengers between England and Egypt	18,000
	£. 73,600

Annual number of passengers that pass at present between Europe and	Arrivals.	Departures.
Calcutta	767	665
Madras	537	459
Ceylon	85	17
	1,425	4,141
	1,141	
	2,566	

246,011 letters are received and dispatched annually at Calcutta, Madras and Ceylon.

No. 2.

ESTIMATE of Receipts by Steam Communication with *Bombay* alone.

Passage, Suez to Bombay	£. 50
Deduct messing 20 days, at 10*s.*	10
Net profit each passenger	£. 40

If steam communication is with Bombay only, there will be a greater number of passengers than otherwise from thence. The annual number of passengers that at present pass to and from Bombay are, arrivals, 287; departures, 316; total, 603.

	£.
Say 400 passengers at 40*l.* profit	16,000
For deck and steerage passengers	4,000
For newspapers, periodicals, invoices, law papers, parcels, samples, bullion, &c.	10,000
200,000 letters at 2*s.* 6*d.* each	25,000
Receipts to Bombay	55,000
Add 30 *l.* profit on the above number of passengers in the maintenance 400 × 30	12,000
Profits between England and Bombay	£.* 67,000

The number of letters received and dispatched annually to all India, as given in the Madras report to the India Board, are on an average of five years as follows:

	Received.	Dispatched.
Calcutta	98,189	72,397
Madras	31,306	40,614
Bombay	30,000	24,000
Ceylon	6,000	6,505
	165,495	143,516
		165,495
Together		309,011

Estimate

* The London Association estimate their receipts at 74,500*l.* to Bombay. The rate of postage differed from the above, which is considered as now determined on by His Majesty's Government as postage for letters between England and Bombay.

Major *Charles F. Head.*

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No. 3.

ESTIMATE of Expense for Communication between *Suez* and *Bombay*.

		£.
Outlay for one Steamer:		
Hull, &c.	14,000	
Machinery	11,000	25,000

Annual Expenditure.

	£.
Sinking fund to perpetuate property, repairs and insurance, 16 per cent.	4,000
Interest four per cent.	1,000
Establishment and victualling	2,642
Coals at Suez 60 *s.*	7,642
— Camaran 60 *s.*	
— Socotra 50 *s.*	average 52 *s.* 6 *d.* per ton.
— Bombay 40 *s.*	
Say 14,000 miles steaming for each vessel in a year, at 200 miles a day, with 18 or 19 tons of coal per diem, making 70 days' consumption, at 52 *s.* 6 *d.* per ton	3,400
	£.11,042

Five vessels would cost 55,000 *l.* a year to maintain the communication between Suez and Bombay.

Floating depôts for coals between Suez and Bombay, establishment in Egypt, &c., not included.

No. 4.

ESTIMATE of Expense between *Falmouth* and *Alexandria*.

Outlay, one Vessel.

	£.
Hull, &c.	14,000
Machinery, duplicates, &c.	11,000
	25,000

Annual Expense:

	£.
Sinking fund for repairs, and to perpetuate property and insurance, 16 per cent.	4,000
Interest at four per cent.	1,000
Establishment and victualling	2,642
Say 14,000 miles, or 70 days' work for each vessel, and consuming 18 or 19 tons per day, at 30 *s.* a ton throughout	1,900
	£. 9,542

Five vessels, at 9,542 *l.* each, causing an annual expenditure of 47,710 *l.* for this portion of the work; establishment, warehouses, &c. not included.

No. 5.

ESTIMATE of Expense between *Socotra* and *Calcutta*.

Outlay for one Steamer, 600 to 700 Tons, 180-horse Engines.

	£.
Hull, &c.	14,000
Machinery and duplicates	11,000
	25,000

Annual Expenditure.

	£.
*Sinking fund for perpetuating property, repairs and insurance, 16 per cent.	4,000
Interest on outlay, four per cent.	1,000
Establishment and victualling	2,642
†14,200 miles steaming a year each vessel, at 200 miles a day, would require 71 days' coal, at 18 or 19 tons per diem.	
‡One quarter the supply would be from Socotra, say at 50 *s.*; one half from Galle, at 30 *s.*; one quarter Calcutta, at 30 *s.*; making 1,330 tons, at 35 *s.* per ton; say	2,300
	£. 9,942

* The moderate work required by each vessel is to be taken into account.

† I find the distance between Calcutta and Socotra is also estimated at 2,955 miles.

‡ Madras memorial to Court of Directors (March 1836), reports, "From statements of actual transactions, furnished by the mercantile houses here, it appears we are warranted in taking 30 *s.* as a fair price for coal in India at present. The general opinion of merchants here is, that it is more likely to fall than to rise, when there is a certain demand.

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Five vessels, 50,000 *l.* for the whole duty; and this may be lessened by the vessels remaining in port giving a portion of their crews to others, as they might be fairly employed double the time here named.

COALS required each Year.

	Tons.	Each Voyage between	Tons.
At Suez	1,250	Suez and Camaran	104
Camaran	2,256	Camaran and Socotra	85
Socotra	4,584	Socotra and Bombay	136
Bombay	1,632	Socotra and Galle	160
Galle	3,672	Galle and Calcutta	136
Calcutta	1,740		
TOTAL	15,134 tons a year, of which about 14,000 will go by the Cape of Good Hope.		

SHIPS and TONNAGE to India in One Year (per M'Culloch).

	Ships.	Tons.
To East India Company's territories and Ceylon	193	85,260
To China	19	24,648

No. 6.

ESTIMATE of Returns on the combined Plan.

In this case the Bombay receipts would be less than original estimate for Bombay only.

	£.	£.
Say 250 passengers at 40 *l.*, profit	10,000	
Deck and steerage passengers	2,000	
Periodicals, parcels, newspapers, &c.	7,000	
100,000 letters, at 2 *s.* 6 *d.*	12,500	
The above 250 passengers in the Mediterranean, at a profit of 30 *l.* each	7,500	
		39,000
Returns as per estimate No. 1, England with Calcutta, Madras and Ceylon		73,600
100,000 letters transferred from the Bombay estimate No. 2, would now be distributed amongst the above places, average 3 *s.* 6 *d.* each		17,500
		130,100
Expense, between England and all India (Estimate London Committee)		185,000
Deficiency in Receipts for communication with all India, to be covered by allowance from Her Majesty's Government and the East India Company, for conveyance of public despatches, &c.		£. 54,900

	£.
Estimate of expense between England and Bombay only	136,000
Receipts to Bombay only	67,000
Deficiency in Receipts for communication with Bombay, to be covered as above	£. 69,000

	£.
Deficiency on extended plan	54,000
On Bombay plan	69,000
In favour of extended plan	£. 15,000

Thomas Turton, Esq., called in; and further Examined.

T. Turton, Esq.

1173. Mr. *Mullins.*] MR. PEACOCK stated in his evidence that the charge for freight from Calcutta to Mocha would be 50 rupees per ton; does your experience enable you to state whether that opinion is correct or not?—I know it is not correct. We freighted a vessel, as members of the steam committee, when we sent the Forbes from Calcutta to lay in coals both at Socotra and Jidda; we paid 37 rupees per ton to Jidda and 35 rupees per ton to Socotra. Mr. Peacock also stated the delay at each place would be five days for coal. We made our arrangements through the native agents, and the agent we sent to Socotra was absent at the time the vessel arrived; he had gone on to Jidda; but notwithstanding his absence, they laid in 40 tons of coal in two days, and I believe

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believe it might be done in less. I think the delay at Jidda was the same, but that I cannot speak to with the same certainty as I can of that at Socotra. I have no doubt Mr. Peacock took his estimate from what he had known to be paid by the Company, and he judged from the freight paid from Bombay; but last year the Company paid only, from Bombay to Suez, 32 rupees per ton. The fact is, that at the season of the year when the pilgrims go to the Hadje, there are a number of vessels going to the Red Sea which are very glad to take freight, and they will take it at a lower rate than I have mentioned, I have no doubt, if proper arrangements are made for that purpose.

1174. Do you wish to state anything further?—I believe there is nothing further.

Martis, 4° die Julii, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Mr. R. Gordon.
Lord William Bentinck.	Mr. Mullins.
Mr. Crawford.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

Major *Charles Franklin Head*, called in; and further Examined.

Major *C. F. Head.*
4 July 1837.

1175. *Chairman.*] IS there any part of your evidence that you wish to explain?—Yes; a part of my evidence that I am anxious to explain is in reference to a question that was asked me on Friday last. I stated on behalf of the London Committee that there was no further proposal to lay before this Committee, this however was said under a supposition that a proposal sent into His Majesty's Government, dated 24th May last, was before this Committee, finding that it has not been given in I now feel it my duty on behalf of the London Committee formed for the promotion of steam navigation with India, to lay the same before the Committee and request it may be placed on record. This is a copy of the plan, and the letter which accompanied it to Sir John Hobhouse.

[*The same were handed in and read, copies of which are as follow:*]

Plan for a comprehensive steam communication with India, and the mode in which it is to be effected:

Packets to depart from England and the three Indian presidencies respectively, once in every month, to be regulated as to the time of their departure, so as to ensure the effectual working of the plan throughout. The packets to be independent of the Government Malta mail-packets, and the voyage to be a continuous one throughout. The packets to be adapted as well to the conveyance of samples, parcels and packages, as to accommodate at least 60 passengers, to be subject to Government inspection whenever deemed necessary. That the company place a requisite number of vessels between England and Alexandria, also between Suez and Socotra, and between Socotra and Bombay, Ceylon, Madras and Calcutta; these vessels to enjoy all the immunities from duties, port charges, &c., similar to His Majesty's packets, whether at home or in the European or Indian Seas. The special protection of Government to be afforded to the company's agents and servants in Egypt. The Government to grant to the company the sum of 125,000 *l.* annually for ten consecutive years, by monthly allowance, subject however to the following condition, viz.

	£.	£.
Sum required - - - - - - - - -		125,000
Postages are estimated at - - - -	£. 75,000	
Conveyance of Government and East India Company's despatches - - - - -	20,000	
		95,000
	£.	30,000

Therefore, 30,000 *l.* will be the positive annual cost to the Government and the East India Company for establishing a communication fraught with such political, commercial and moral advantages to the two countries. If the company shall realize profits exceeding 10 per cent. on their capital paid up, the excess of such profit to be abated from the Government contribution; it being understood that 5 per cent. for interest, and 5 per cent. on the investment for premium of insurance during peace, with a proportionate increase

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increase for war, and 5 per cent. for the formation of a fund to replace the property, shall be considered as charges on the capital before profit is estimated. The company's packets to convey the Home and Indian Government despatches, and the several Indian mails between England and India, free of any other charge to Government, the postages on both sides remaining altogether with Government. An extra Mediterranean mail to be conveyed for Government free also from charge.

Sir, No. 6, Crosby-square, 27 May 1837.

I HAD the honour, in the month of November last, to forward you, through William Hutt, Esq., M.P., a report of the committee for promoting steam navigation with India, in which it was proposed to establish a monthly steam communication with Bombay *via* the Red Sea, with the view of extending the same at a future period, and certain services were thereby offered to be performed for His Majesty's Government and the East India Company, in consideration of the amount of 65,000 *l.* being paid annually. The provisional committee have not ceased to devote unremitting attention to this important subject; and I have been requested by the committee respectfully to inform you, that further experience and the benefit of their communications with India fully show the necessity of the measure being extended to the various presidencies at once; and with this view they have desired me to submit to you, and to request you will be pleased to lay the same before His Majesty's Government, a renewed proposal for the establishment of steam communication with India on a comprehensive plan, suited to meet the great and important interests of all classes deeply involved in the success of this undertaking.

I have the honour to be, Sir, your most obedient servant,
Charles F. Head, Chairman.

To the Right Hon. Sir John C. Hobhouse,
President of the India Board.

1176. Mr. *Bagshaw.*] You have had the advantage of reading the papers that were placed on record, the proceedings by the President of the Board of Control, and particularly a letter from the secretary to the Post-office to the Postmaster-general; will you state to the Committee in what way you considered that letter and its statements to be incorrect?—The letter to the Earl of Lichfield, the Postmaster-general, had reference to the existing communication *via* the Cape of Good Hope. Upon that communication, on which 2*d.* and 4*d.* is charged for letters, an estimate was made of the present amount arising to Government and to the public from postage between England and India; that, of course, amounted to a very small sum, and therefore it was said, as a reason for declining the offer of the London Association to establish communication with India, that the public would require to make up a very large sum of money, as much as 400 or 500 per cent. upon their present postage between England and India. In the statement alluded to, no credit was given for passengers, for parcels, for specie or for other sources of profit which the London Association had very largely calculated upon, and which would lessen any charge for postage. Also, in reference to the Mediterranean packets, the present postage to India and to the Mediterranean was calculated on the Government account, and that sum, amounting to about 13,000*l.* a year for Indian and Mediterranean postage, was taken as what the Government would benefit in lieu of 45,000*l.* a year asked of them by the association for establishing a communication monthly with India; likewise the expense of the Mediterranean packets, which would be superseded by such an arrangement. The latter would give the Government a saving of probably 30,000*l.* at least per annum, which ought to be taken into account in the statement alluded to.

1177. Is there anything more that you wish to speak to; what is the difference as to the proposal that you have now given in and the proposal of the London committee as already on record?—The proposal of the London committee that was first submitted to His Majesty's Government was in reference to an extended communication with all India, but was estimated upon a limited communication with the port of Bombay, as being the nearest place to arrive at, and consequently admitting of less complicated estimates and arrangements; but it was given in with an understanding that, as soon as the principle of steam communication with India should be obtained, the communication was to be extended by the London Association to all India; and for that purpose, a gentleman in the city, who is a commissioner appointed in India to attend to this subject, did not join the provisional committee in London, with an understanding that as soon as such principle was obtained (of steam communication with India), he was to put himself in communication with the London committee to obtain the extended arrangement. For that purpose also the capital of the London Association was placed at 500,000*l.* to admit of communication

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with all the presidencies of India, instead of 250,000*l.*, which would be quite sufficient to establish a monthly communication with Bombay alone.

1178. What reason have you for supposing the extended plan ought to be the one begun with?—The extended plan can be done at a saving of expense in the first instance, and the benefits obtained by it will be very large in proportion to the net expenditure, over a limited communication to any one port in India. The great expense of communication is from England or between England and the entrance to the Red Sea. The comparative expense of extending it from that point to the different presidencies of India is as one to three in proportion to the first outlay, whereas the benefits are proportionately great.

1179. I presume there is no more difficulty in the one plan than the other?—The plans are equally practicable, and the expense that would be incurred by the greater is less in consideration of the receipts; whereas any miscarriage in a confined plan having limited benefits and dividing the interests concerned in this undertaking, would have much more danger of total failure, and this is the thing only now to be guarded against. Various arguments in favour of the general communication are detailed in papers already put in to the Committee.

Lieutenant-Colonel *Sim*, called in; and Examined.

Lieut.-Col. *Sim.*

1180. *Chairman.*] YOU are a Lieutenant-colonel in the Madras Engineers?—I am.

1181. I believe you were ordered by the Madras government to survey the Straits of Manay, were you not?—Yes, in 1829.

1182. Would you have the goodness to state to the Committee what those orders were?—Those orders were to inspect the passage between the island of Ramisseram and the coast of Coromandel, and to ascertain the practicability of the passage being improved and deepened, so as to admit of vessels passing through it.

1183. Would you state the substance of your report?—That it was practicable to a certain extent.

1184. Be so good as describe the passage of Pambam as you found it, between the island of Ramisseram and the coast of Coromandel?—It was found to be about six feet deep at high water, and from three and a half to four feet at low water, the rise and fall of the tide being from two feet to two feet six inches.

1185. What was the extent of that passage?—The space between the island of Ramisseram and the coast of Coromandel is about a mile and a quarter, and is connected by a ridge of rocks about 140 yards in width, through which there is a narrow channel, as above described, containing six feet of water at high water and three and a half or four feet at low. After minutely surveying and examining the passage, it was considered practicable to obtain a passage of about 12 or 14 feet of water at high water, but that the expense would be considerable. A copy of the map and report was transmitted to the Geographical Society in London, which, if required by the Committee, I think I can obtain for their information.

1186. What was the nature of the rocks?—Sand rock; a rock of sand, very much decayed and of no great depth, and very easily removed; but that is not the chief difficulty; the chief difficulty is a sand bank which lies a little to the south of these rocks, and upon which there is not more than seven feet of water at high water. It is the removal of this sand bank, or deepening the channel across it, which was considered the principal difficulty. One of the proposed plans of obtaining a passage through the straits was by cutting a new channel to the west of the present one, by means of which the sand bank would be entirely avoided.

1187. You state 12 or 14 feet as the depth to which you could deepen the rocks?—Yes, 12 or 14 feet.

1188. How would you do that?—By blasting the rock, and removing it; a partial attempt was made, and succeeded, as far as it was attempted.

1189. Do you think it could be deepened more, if necessary?—I think not above 12 or 14 feet at the utmost.

1190. What do you conceive to be the cause of the formation of the sand bank?—It appears that the island of Ramisseram and the Coromandel Coast were originally connected, and that the sand bank was formed from the debris and materials of the chain of rocks connecting the main land and the island of Ramisseram, when it was broken up and destroyed by some hurricane.

1191. Is

1191. Is there any current in the Pambam passage?—There is a very considerable one.

1192. Where is situated the bank called Adam's Bridge?—Between the islands of Ramisseram and Manar; it is about 30 miles in length and a quarter of a mile in breadth, and is partly above and partly below water, with three winding channels across it.

1192*. Do you know whether the state of the sand bank is altered, whether it undergoes any change?—The bank undergoes no change, but the channels across it and the depth of water on each side of the bank alter very much according to the monsoons; the weather side of the bank is always clear and free from sand banks; but on the lee side, and especially opposite to the three channels, there are always a number of shifting sand banks on which there is little water, and which obstruct the passage through the channels; on each side of the bank, at the distance of two and a half or three miles, the sea is six fathoms deep.

1193. Mr. *Mullins.*] The passages themselves are constant, they do not seem to vary?—The three principal passages do not alter their position; they seem always to continue in the same places.

1194. *Chairman.*] What depth of water on the bank did you say there was?—The bank itself is generally about four or five feet above water, but there are many parts of it, at times for two or three miles, which are covered with two or three feet of water.

1195. What is the breadth?—Not above a quarter of a mile, and at the distance of two and a half or three miles from it on both sides the depth of water is six fathoms. It is a singular formation, and is not easily accounted for; the sea is perfectly clear on both sides at the distance of two miles.

1196. And you are quite satisfied it is composed entirely of sand?—It was bored down to the depth of 30 feet, and there was sand to that depth, and not the slightest appearance of rock. The formation of rock which connects Ramisseram and the coast of Coromandel, runs in a different direction, and passes quite clear of the bank called Adam's Bridge.

1197. Has it ever been attempted to make a passage at Adam's Bridge?—No; no attempt has ever been made.

1198. What do you think would be the effect of making a passage?—It would be the greatest possible benefit, if practicable.

1199. But do you think it would be practicable to make a passage across?—It might, but at an enormous expense.

1200. Over the sand bank?—Yes; that is the only place where deep water and a clear sea could be obtained sufficient for large vessels. When I was sent down to survey this, there was no question then about steam communication; it was entirely for the purpose of obtaining a passage for sailing vessels, to prevent the delay and difficulty of passing round Ceylon during the monsoons. The only place where a passage of that description could be obtained is across Adam's Bridge, but the expense would be far beyond any benefit that could be derived from it.

1201. Mr. *Mullins.*] And you do not suppose it could ever be a safe passage in consequence of shifting sands on either side?—Except by means of bulwarks carried into deep water to prevent them.

1202. Which would lead to an enormous outlay?—Yes.

1203. *Chairman.*] But if you could deepen the passage, there would be no sand banks?—No, not if you could deepen it, and keep it deep beyond the influence of the surf.

1204. But would there not be a constant current through?—Yes.

1205. You think that would not keep the passage open?—Not unless there were bulwarks carried into deep water beyond the breaking of the surf; there is a heavy surf, especially during the south-west monsoon, which would throw up the sand, and prevent its ever remaining open, unless there were bulwarks carried into deep water, and beyond the influence of the surf.

1206. Mr. *Mullins.*] And you do not apprehend it is possible to cut through the rock to a greater depth than 12 or 14 feet, between the island of Ramisseram and the main land?—The rock itself is not more than two or three feet deep; you then come to a sandy bottom. It is the rock which originally connected the island and main land, the continuation of which can still be traced on the two opposite coasts, and which has been broken up by some hurricane, and is fallen down into the bottom of the channel; on the removal of this you would come to a clear sand bed.

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1207. Then what difficulty do you apprehend there would be in making the channel deeper?—The channel might be made deeper, but there is the bank beneath it; the difficulty is in deepening that. There is no difficulty in deepening the channel itself, and deepening the ground on both sides of it, to a certain extent, but the difficulty consists in deepening the sand bank which lays to the south of it, and which is formed by the debris, or the materials of the land which originally connected Ramisseram and the main land. One plan proposed was to cut a new channel through a tongue of land to the west, so as to keep clear of the sand bank altogether.

1208. What is the breadth of that tongue of land you mention?—About half a mile.

1209. And is it low?—Yes; five or six feet above high water only.

1210. What is your opinion of such a project?—It might be done at a moderate expense.

1211. And is there deep water on either side of that tongue of land?—Yes, a depth of 12 feet.

1212. *Chairman.*] Do you think you could keep that channel open?—To the depth of 12 or 14 feet.

1213. You think you could?—Yes.

1214. Is there any surf sets on this?—Very little surf. It is a hard bottom to the north-east, and to the south-west it is protected by islands.

1215. Do you consider that the best mode of accomplishing a passage?—I think it is the best one, certainly to the depth of 12 feet.

1216. Mr. *Mullins.*] Do you not apprehend it is possible to deepen the passage more than 12 feet?—I do not think it is possible; it would be very impolitic to trust to its being deepened beyond that; it might be possible, but is very doubtful.

1217. *Chairman.*] What is the depth of water on each side of that tongue of land?—On the north side, at the distance of 400 yards, the depth is 14 feet, and the same depth at 250 yards on the south side.

1218. But it never can be made a passage for steamers drawing 15 and 16 feet of water?—No, I think not.

1219. It has been stated there is a passage between the island of Manar and the main land of Ceylon; what is the depth of that?—Not more than three or four feet; that is quite out of the question; quite impracticable.

1220. Where is the sand bank you stated?—It is 700 or 800 yards to the south of the Pambam passage.

1221. Is there the same depth of water upon that always?—Always the same; it never varies.

1222. Where is Tootoocooreen?—Tootoocooreen is in the Gulf of Manar. If Tootoocooreen or Cochin were made the starting and arriving point for the Indian passengers, then a steamer drawing 10 or 12 feet might be employed to carry the passengers to and from Calcutta, and might pass through the Pambam channel when improved.

1223. What sort of harbour is it?—It is a safe roadstead.

1224. That is quite sufficient at all seasons?—Yes, I believe so.

1225. It is very difficult to get in to Cochin, in the south-west monsoon, is it not?—Not with steamers; with sailing vessels it is.

1226. You have surveyed Cochin, have you?—I have not been there.

1227. Have you been at Goa?—No, I have not.

1228. By report, which is the best port of the two?—Goa is the best.

1229. Mr. *Mullins.*] Have you formed any opinion or estimate as to the expense of making the passage between Ramisseram and the main land?—From 10,000 *l.* to 15,000 *l.*

1230. You think that would do it in the most effective way practicable?—Yes, I think so.

1231. Mr. *Crawford.*] At the Gulf of Manar?—Yes.

1232. *Chairman.*] Would not the deepening of that passage be a very great benefit to the native vessels between the two coasts?—Yes, a great benefit.

1233. Has any improvement been made in that passage?—The passage was straightened and slightly deepened, and native vessels now pass through with much more facility, and drawing rather more water than formerly.

1234. How much did you deepen it?—A few inches only.

1235. Mr. *Crawford.*] How was it straightened?—By the removal of the intervening rock.

1236. Blasting

1236. Blasting it?—Yes, by blasting it.

1237. *Chairman.*] Have you reason to know what the feelings of the inhabitants of Madras are respecting this communication?—They are very much in favour of it; very anxious to take advantage of it; but they are obstructed greatly by the difficulty and expense of finding their way to Bombay, which restricts the advantage at present to single men; but there are some cases where ladies have also taken advantage of that route.

1238. If the communication was perfectly established, do you think that the greater part of the civil and military officers would take advantage of it?—Almost the whole of them would, both married and single; there is a very great desire indeed for it.

James Cosmo Melvill, Esq., called in; and Examined.

1239. Mr. *Gordon.*] ARE you aware of the depth of water in the inner harbour of Mocha?—I have understood there is not sufficient depth of water for steamers of the burthen of the Atalanta and the Berenice when fully laden.

1240. Do you consider that that deficiency of water in the inner harbour of Mocha will in any way interfere with the arrangement which has been made for the steam navigation between Bombay and Suez?—I do not. Sir Charles Malcolm has stated that whatever difficulties there may be with respect to the anchorage at Mocha, he is satisfied that they may be overcome. It has been suggested that there should be a floating depôt in the outer harbour; doubts have been entertained whether that would be practicable; and if it should be found impracticable, he is of opinion that Perim may be substituted for Mocha. It has also been suggested that coal might be transported from Mocha to Aden, and that Aden might be made the station.

1241. Are you of opinion that if letters are put into the English post-office in India, in expectation of a monthly communication being immediately established, that persons relying upon that conveyance will be disappointed?—I am not; there may be some disappointment occasionally, until more steam vessels are supplied, but the Bombay government have been authorized temporarily to supply the deficiency by the use of sailing vessels; and I think in that mode the disappointment may be in a great degree averted.

1242. Are you of opinion that during the prevalence of certain winds (the monsoons) it will be useless to expect a regular monthly communication between Bombay and the Red Sea?—I am not of that opinion; but of course as to the effect of the monsoon in the Indian seas on steam navigation, that is a professional point with which I am not conversant.

1243. Are you of opinion, that under the present arrangements, the probability is, that instead of a monthly communication, it will be a two monthly communication for the next two years to come?—That is not my opinion; I am convinced that the Indian government will use every effort to accomplish the arrangement to the extent contemplated in the Court's order.

1244. Is it your opinion that sufficient power has been given to the Indian government, and sufficient means placed at their disposal, for the purpose of effecting that which your instructions contemplate, namely, a monthly communication between India and Europe?—I think they will not have sufficient means to insure it until a further supply of steam vessels is sent out; but the probability is, that the object will be in a considerable degree attained by the use of sailing vessels to supply the existing deficiency.

1245. What steps have been taken for the purpose of placing any new steamboats there?—Not any at present; that subject is under consideration at the India House.

1246. Is your opinion in favour of passing the public despatches through France to Marseilles, and embark them at Marseilles on board the steam-boats, instead of sending them all the way from England by the Malta packets?—The communication will be greatly accelerated by way of Marseilles.

1247. Is it your opinion that this steam communication will be the means of conveying passengers as well as letters, and that passengers will avail themselves of that opportunity?—No doubt.

1248. Do you apprehend that the bringing of passengers will not only be a convenience to the inhabitants of India, but also a source of profit to the Company?—I think it might be so made.

1249. You think it might be made to combine both elements; both convenience

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nience to the parties and profit to the Company?—I think an arrangement might be made by which a profit would result from the conveyance of passengers.

1250. Mr. *Crawford.*] In the shape of passage-money, for the accommodation of the vessel?—Clearly; the arrangement with respect to the Hugh Lindsay latterly has been to charge a certain sum for the passage-money, of which the captain takes a portion, he paying the cost of the table.

1251. Mr. *Mullins.*] Do you know what proportion that is?—I am not aware of it at present; I could obtain it for the Committee.

1252. Mr. *Gordon.*] Are you aware of the communication that has taken place with the Court of Directors on the subject of the tripartite communication with the Red Sea, I mean to Madras, to Bombay and to Calcutta, in preference to confining the arrangements entirely to Bombay; are you aware of that communication?—I am.

1253. Are you aware of the arguments that have been adduced in favour of and against that scheme?—Sir John Hobhouse, in his letter to the chairman, expressed an opinion that no scheme would be satisfactory that did not embrace the whole of India.

1254. But was that scheme to embrace the whole of India by means of inland communication from Bombay, or was it a steam communication?—A steam communication.

1255. Can you state to the Committee, in substance, the arguments that have been adduced to the East India Company in opposition to that scheme?—The general argument is, that having ascertained by experience that the route from Suez to Bombay was practicable, and not having any such experience for a guide with respect to the other parts of India, it has been thought most desirable to limit the establishment at first to a communication between Suez and Bombay.

1256. Has not the point of expense also weighed considerably with the Court of Directors, in limiting their arrangements, in the first instance, to a single communication, instead of a tripartite communication?—I do not think that the Court of Directors have yet sufficiently entertained the plan of a communication with all India to have made the expense a matter of calculation; they would undoubtedly do so as soon as the proposition assumed a definite shape.

1257. Are you not aware that the discussions which have taken place between the King's Government and the Court of Directors of the East India Company, has, as it were, ended in this arrangement, to effect which considerable difficulty has been encountered?—Certainly.

1258. Are you not also aware, that if the King's Government or the Board of Control had pressed too strongly on the Court of Directors a more extended scheme in the first instance, that there might have been a considerable probability that no arrangement whatever would have taken place?—I think it would have greatly increased the difficulty.

1259. *Chairman.*] What establishment of steamers do you consider to be necessary to carry the communication on to Bombay?—I think four absolutely necessary, and that it will be desirable to have a fifth.

1260. And to Calcutta?—I have not made any calculation for Calcutta, but looking at the distance, (I believe Calcutta is as far from Socotra as Bombay is from Suez,) it would seem to require an establishment as large.

1261. Mr. *Mullins.*] That is, you mean four additional?—Yes, four additional steam vessels; supposing Socotra was made a station from Bombay, and that there was to be a communication from Socotra to Calcutta, I should imagine you would require for that communication as many vessels as you would require for the communication from Suez to Bombay.

1262. As many more?—As many more.

1263. *Chairman.*] In the year 1834 there was a doubt of the practicability of steaming against the south-west monsoon from Bombay?—There was.

1264. Is that doubt removed?—It is in some measure removed; still it is matter of opinion.

1265. Have you any doubt upon the subject?—Really I have not the means of forming an opinion that would be of any use or satisfactory to the Committee.

1266. Mr. *Crawford.*] Are you aware a Malta steamer, two years ago, was forced back to Falmouth after having sailed?—I am.

1267. Mr. *Mullins.*] What was the power of that steamer?—I do not know.

1268. *Chairman.*]

1268. *Chairman.*] Are you acquainted with the estimate of expense of this communication with Bombay, of the four or five vessels?—I am.

1269. Is it the same as Mr. Peacock stated?—The estimate is contained in the statement of Sir John Hobhouse, page 6.

1270. Then the expense would be 22,000 *l.* a year for each?—For each.

1271. That estimate you consider to be correct?—I have every reason to believe it is.

1272. Because from other statements there is reason to believe the coals will not cost so much money as that?—We endeavoured to make it a safe estimate; we require experience to enable us to judge of the expense of coals, and the Court of Directors are now endeavouring to ascertain by experiment what is the cost of placing coals at the several depôts.

1273. Has any allowance been made in this calculation of the cost of fuel that the vessel on its voyage will sail the greater part of the way, having the monsoon perfectly fair?—Your lordship will see it stated in the estimate that each voyage is supposed to occupy 40 days in steaming.

1274. Surely that is very much over-estimated?—The estimate in that respect was formed with reference to the actual voyages of the Hugh Lindsay.

1275. We have gone in all our calculations upon the performance of the Atalanta and the Berenice?—They are much finer vessels.

1276. Much faster?—Much faster.

1277. Have you made any estimate of the length of passage from Bombay to Suez and back in the two monsoons, either the Atalanta or the Berenice?—I have not.

1278. Could you give such a statement; you have got the logs at the India House, I suppose?—I apprehend there will be no difficulty in preparing such a statement.

1279. It was stated here, I think, in the course of the evidence, that Colonel Campbell had written to the India House, making some proposals respecting the use of coals, at a much less price than that; do you know of any such communication?—I have seen a communication from Colonel Campbell, addressed either to the Court of Directors or to the Bombay government, in which he recommended the plan of sending coals to the Red Sea by way of Alexandria; and the Court of Directors have recently come to the determination to make an experiment of that kind.

1280. Have you made any calculation of the probable returns from each voyage between Bombay and Suez?—I have not.

1281. I mean of receipts?—I have not.

1282. What is the number of passengers that the Atalanta and the Berenice carried?—It is stated, in Mr. Peacock's evidence; 36, I believe.

1283. Then you probably have not made any calculation of the number of passengers that would go between Calcutta, Madras and Suez?—I have not.

1284. Without forming any calculation of the number of passengers and freight that would pass between Calcutta, Madras, Ceylon and Suez, you could not state the probable profits that would be derived from that extended communication?—Certainly not.

1285. And without information upon that point, you could not say that the extra expense would not be repaid by those profits?—I could not exactly say so, but it would be a large assumption that the returns would be adequate to the whole expense.

1286. The whole of the extra expense?—The whole of the extra expense of steam from Socotra to Calcutta and Madras.

1287. Mr. *Crawford.*] Hypothetically we will suppose that two steamers more are necessary to carry on the communication with Bengal than would be required to carry on the communication with Bombay, and that they cost each 22,000 *l.* per annum, it will follow that the additional earnings upon the Bengal route must amount to 44,000 *l.* a year in order to make that a preferable route with reference to expense?—Clearly.

1288. Mr. *Mullins.*] Do you think it would be a point of importance that steamers, in a general communication with the different presidencies, should carry a cargo, to a certain extent, as well as passengers?—Certainly, cargo would be remunerative.

1289. Independent of the luggage which the passengers would take with them?—Passengers, I apprehend, would be more profitable than cargo; but if

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the steamer could convey cargo as well as passengers, it would be desirable that she should do so.

1290. Assuming that a large steamer, of the size of the Atalanta or the Berenice, or even larger, could afford to take 100 or 150 tons of a general cargo, should you suppose that such a cargo would make a large return?—I have made no calculation upon that point, and I am not sufficiently conversant with the rate of freight between India and the Red Sea to enable me to do so.

1291. Mr. *Crawford.*] At present, do you know of any articles conveyed to India from Suez?—I do not.

1292. Mocha is the port of export for the produce of Arabia gums and coffee, is it not?—It is.

1293. Then, if a steamer were to carry the goods that are the present objects of trade from the Arabian Gulf, she must either call at that port, or the goods must be brought to the port of her departure?—I should think so.

1294. Then, with reference to the question of the conveyance of goods, it must be considered applicable to a description of trade that does not at present exist?—Clearly, as respects Suez.

1295. But respecting which this facility might occasion to grow up?—Yes.

1296. *Chairman.*] Do you mean to say there is no trade between the Red Sea and India?—I never meant to say so; I understood the question to apply to a communication between Calcutta and Suez, without stopping at the intermediate ports in the Red Sea.

1297. Mr. *Crawford.*] Do you think that the circumstance of the necessity of transshipping that cargo at another port, for instance, a cargo laden at Mocha transshipped to another steamer at Galle, would be any objection in a mercantile point of view?—No doubt about it.

1298. *Chairman.*] What would be the objection?—There would be risk; and there might be legal liabilities.

1299. In what way would there be risk and legal liabilities?—I do not know how the underwriters would settle their risks in those cases.

1300. Mr. *Crawford.*] Do you know how you could discharge one bill of lading and give effect to another?—No, I do not.

1301. *Chairman.*] But do you think the knowledge of such transshipment at the port where the insurance is made would not be covered by some arrangement or other; it would be taken into the account of risk, I presume?—I have no doubt that whatever difficulties arise in a necessary case, they are met by the enterprise and the skill of merchants.

1302. Mr. *Mullins.*] You do not apprehend in this case any difficulty which could not be surmounted, seeing the great advantage of conveying goods of a certain description in as quick a time as possible to the Arabian markets?—I have no doubt, if a merchant felt it necessary to avail himself of that mode of sending goods, that any difficulty that might arise would be overcome.

1303. *Chairman.*] Do you know the present establishment of vessels in the Indian navy?—I think it is 11 or 12.

1304. Actually employed?—Actually employed.

1305. Do you know about what the annual expense of them may be?—My impression is, about 100,000 *l.* a year.

1306. Do you know generally how they are employed?—Their principal service has been checking the pirates in the Arabian Sea and in the Persian Gulf.

1307. Mr. *Crawford.*] Have not generally one or two of the best vessels been employed in the surveys of the eastern seas?—They have.

1308. *Chairman.*] Would not that service against the pirates be better executed by steamers?—An opinion to that effect has been expressed by the government of Bombay.

1309. Do you think that a steam establishment of that sort might not perform that service and convey the Bombay mails to and from Socotra?—It strikes me that the establishment for the conveyance of mails should be distinct from any other.

1310. Are there any pirates in the Arabian Sea?—There have been, but I have not heard of any lately.

1311. I believe they are confined to the Persian Gulf exclusively?—Principally.

1312. How many sea-going steamers are there in Bengal?—I think there are three.

1313. For

1313. For what purpose are they employed?—They are employed in communication with the eastern islands in a great measure; they are for the general service of the Indian government.

1314. They are inefficient steamers, I fancy, are they not?—They are not very efficient.

1315. Could they not be more advantageously employed in this communication?—I cannot say; the government of India are anxious rather to increase than diminish the number of steamers in Bengal.

1316. Do you know for what purpose?—I do not.

1317. Mr. *Mullins.*] Assuming that there was a restricted communication with Bombay alone, do you suppose that any passengers, not destined for Bombay, would be likely to avail themselves of conveyance by land?—Yes, I think they would; I can state that Dr. Brice, from Calcutta, lately availed himself of that route to come to England from Bombay; and I know of some officers who have availed themselves of it to return to India.

1318. Not accompanied by their families, but merely themselves?—No, alone.

1319. Can you form any opinion as to whether it would be safe for women or children to pass across the country between Calcutta and Bombay?—I never understood there was any difficulty.

1320. Do you think it would be advisable for them to venture?—I have no experience to guide me.

1321. Mr. *Crawford.*] Would you not rather think it a matter of expense than of convenience?—I should think so.

1322. Mr. *Mullins.*] Are you aware there are certain periods of the year when the passage is extremely difficult; periods of rain for instance?—No doubt.

1323. Have you ever heard of any accidents occurring to the mails carried by dauk to either of the presidencies?—There no doubt have been occasionally impediments, but I cannot call to mind at this moment the occurrence of any particular accident.

1324. But is that the general opinion, that there are impediments occasionally occurring?—Occasional impediments, no doubt.

1325. Mr. *Crawford.*] They have not snow there, but rain in torrents?—Yes.

1326. *Chairman.*] Do you contemplate any political advantages from bringing India so much nearer to England, by shortening the communication one-half?—I have no doubt great advantages, political and commercial, would result to both countries, from the regularity and the facility of communication.

1327. Supposing that the expense was not a consideration, do you not think advantage would be derived if greater facility was given to the intercourse between the two countries by passengers?—I have no doubt.

1328. Can you point out what advantages would be derived from it?—Does your lordship mean political advantages?

1329. Yes, the political advantages?—It strikes me that the home government of India, whether you consider it as initiating measures to be adopted in India, or as controlling or checking the measures of the local government, must derive vigour and energy in the proportion that the communication between the two countries is accelerated.

1330. And with respect to the facility that would be given to individuals?—The residents in India are principally employed in the Company's service, administering the government of the country, and I think everything that tends to their comfort must tend to the efficiency of their service.

1331. Do you not think that the facility that would be given to the civil servants of the Company in coming to England would improve them as public servants?—I think it is very desirable that the European servants of the Indian government should have the opportunity of renewing their English feelings and connexions.

1332. Mr. *Mullins.*] Then it is your opinion that they would all anxiously avail themselves of the means presented to them of coming to Egypt or England, in place of going to the Cape of Good Hope, which they are in the habit of doing under present circumstances?—The civil servants of India have a temptation at present to go to the Cape of Good Hope, in being allowed to retain a portion of their allowances, and, what is perhaps of more importance, the right to resume office on their return to India, and without prejudice to their time of service.

1333. Do you think it advisable to make such an alteration in those regu-

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lations as would enable them to come to England without detriment to the proportion of allowance which they have on going to the Cape of Good Hope?—I should be very apprehensive of the consequences of any extension of that regulation, which has by some been considered prejudicial as already acted upon in cases of absence at the Cape of Good Hope; it leads to the system of acting appointments in India, which is very much to be deprecated.

1334. *Chairman.*] But without holding their situations, and without receiving exactly the same allowances, do you think some arrangement might not be made for allowing them to come to Europe on similar allowances, which would not be very willingly acquiesced in by the servants?—Your lordship is aware that at present servants are allowed, after 10 years' service, to come to Europe on pay for a certain time.

1335. On furlough, that is; but the question applies to sick leave; they only go to the Cape on sick leave, and it is under those circumstances that they retain the portion, I think three-fourths, of their allowance; the question is, whether that would not be more acceptable to them, and more advantageous to the service that they should come to England, the time being the same?—It would be more for the advantage of the service, but whether it would be acceptable to them would depend entirely on the terms that might be proposed.

William Morgan, Esq., called in; and Examined.

W. Morgan, Esq.

1336. Mr. *Mullins.*] WHAT is your occupation?—An engineer.

1337. Have you given your attention to steam navigation with India?—I have.

1338. Is it your opinion, from the inquiries you have made, that it is practicable at all times of the year?—Of course any opinion which I can give is founded on the opinions and the reports of others in respect of the state of the weather which prevails there; I have never been in India or in the Indian seas, and of course I must depend upon the statements made by nautical men, who were partially also acquainted with steam navigation, and what steam power is capable of doing in those seas.

1339. You are well acquainted, I apprehend, with the nature of steam power, and the different improvements that have been made in steam machinery?—Yes, I am; it has been my exclusive study for many years past.

1340. Then, according to your knowledge, what sized vessels should you recommend for long passages in seas where there is a likelihood of meeting with extremely foul weather at certain periods of the year?—As a general proposition, and if expense is not at all to be considered, the larger the vessel the better; a large vessel overcomes the resistance of the waves, better preserves her way through obstructions, she is better enabled to exert the power within her than a very small vessel is; but the performances of large vessels for long voyages have not greatly exceeded, and in some instances have not at all exceeded the performances of small vessels.

1341. Then is it your opinion that as far as speed only is concerned, there will be no greater advantage arising from having a larger vessel than from having a smaller one?—A very trifling indeed, a very trifling difference in the speed, an advantage unquestionably there would be; the resistance to a vessel of course will depend on the sectional area of the vessel immersed; it will depend also on the weight which has to be driven against the water, or rather on the quantity of water which has to be displaced to admit of her passage, and it will also depend on the dimensions which the better form of the vessel will make in the resistance, and that is generally obtained in greater lengths and in larger vessels.

1342. What sized vessel should you think best adapted for the steam communication from Suez to Bombay, or to Calcutta, or any of the presidencies?—I should consider that a vessel of about 650 tons burthen would be sufficient, and would give as great a chance of certainty as almost any other size.

1343. And what horse power?—Horse power is rather an indefinite term; but, however, assuming them to be built on weights which the usual computation is made upon, about 180-horse power, from 170 to 180-horse power, may be placed in a vessel of that size, so as to insure a very good average indeed.

1344. And you think that is the proper proportion of power to tonnage?—Yes, provided the displacement of the vessel is not made greatly to exceed, or in short to exceed very much her measured tonnage; a small vessel may be made to measure a great deal, and a large vessel may be made to measure a very little,

little, from the improper mode of estimating the sizes of vessels, or of measuring them still in practice; but I am supposing that the displacement of such a vessel would be about 720 or 740 tons, and that her measurement would not be less than 100 tons less than that; I would not have a nominally small vessel carry a very large burthen.

1345. Then, in the opinion you have just given, you take that tonnage as the minimum, but is it your opinion that a larger vessel would be advisable?—Yes, if expense is not objected to, there would be greater accommodation; there would be perhaps some little increase on the average speed, but very trifling, nothing to compensate the expense.

1346. What do you think would be the expense of the construction of a vessel of 1,000 tons and 300-horse power in the cheapest mode that it could be accomplished, looking to the obtainment of the most perfect machinery at present in use?—About 35,000*l.*

1347. In what ports would you have those vessels built?—I should prefer building them in London.

1348. Do you not think they could be built more cheaply in the outports?—They might be, but not so well built. In general, they are very shallowly built; there are not such large stocks of timber to be had, workmen are not paid such good wages, and in consequence they do not work with that precision which they do in London. River-built vessels are always worth more money built in London than built in the outports.

1349. Then you think that although the expense in a London port may be greater, still that, looking to the durability of the vessel, it is more advisable to go to the extra expense than construct a vessel in the outports?—If I had to build a vessel myself, I should prefer doing it in London, under those circumstances.

1350. And you have stated, I think, that your opinion is, that a vessel properly constructed of the size stated, could not be done under 35,000*l.*?—Not embracing all the improvements and the best machinery; cheap machinery is extremely expensive in the wear.

1351. What boilers should you recommend?—I should recommend iron boilers, because I should recommend condensation by surface; it has now been so long tried by the best experiments, and has certainly succeeded.

1352. Do you think the communication with all the presidencies in India equally practicable as the communication with Bombay?—I should say more so; if there is a difficulty, the difficulty would be in extreme cases, in causing the Bombay boat always to reach Socotra. I do not see any difficulty whatever in making a vessel reach Socotra coming from Ceylon.

1353. You are aware of the impediments created by the south-west monsoon between Bombay and Socotra at certain periods of the year, and you are also aware that that wind blows with very great force; now looking to these points, what sized vessel should you recommend to be put upon that station particularly?—I have understood that the force of the monsoon, even at its worst, is scarcely equal to a south-west gale in the Bay of Biscay, or on soundings, and I have also understood that it is not of equal duration: a south-west gale I have known blow almost intermittingly three weeks, and the sea, which is brought in on the edge of soundings, is tremendous, it is terrific. Now I understand that the south-west monsoon only blows occasionally an extreme gale, that it seldom lasts more than 30 hours, and then it lulls and finally subsides altogether. Although the sea never goes down, there have been seasons where in the months of June and July, I think, the weather has had a more determined character, and the monsoon has continued with violence, although not with equal violence to the south-west gales here, still with that degree of violence which would certainly affect the progress of a vessel if she has her head to windward. Under those circumstances, I do not care what power it is that may be put into a vessel, she will not be able to stem the gale; that is, she would be able to stem it probably, but she could not carry a sufficiency of coal to carry her the whole way against it, however large she may be, for the consumption of coal rises very nearly with the power; there is only a very trifling difference in favour of large engines.

1354. *Chairman.*] You stated it was easier to go from Galle to Socotra than from Bombay to Socotra?—From Galle, if that was a good point.

1355. Mr. *Mullins.*] Will you state the reason why it is more practicable to

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go from Galle to Socotra than from Bombay to Socotra?—In one respect the wind itself is not a head wind for her. The course she has got to steer is off the wind; but by running a couple of degrees to the southward of that, she gets into a wind which perhaps is a favourable wind, and then makes her westings until the south-west monsoon becomes a fair wind for her, or nearly a fair wind. She would have to lay to north-north-west, then the south-west monsoon would be a fair wind.

1356. How many tons of coal per horse power do you suppose a vessel of the tonnage you before stated would be capable of carrying?—She would be capable of carrying about one ton and a quarter; that is, she would be capable of carrying more; but I should not think it necessary or proper for that voyage to put more coal into her, for the vessel may be, and we have had many instances of our Admiralty packets being overladen with coal when they started, and when they got to face the monsoon in their loaded state, they made no progress whatever; if she had less in her she would have done better, the vessel would have been livelier, and the machinery more effective.

1357. But looking to the perfectly effective state of the machinery, you consider a vessel of that size could carry a ton and a quarter?—About that.

1358. And what run will that quantity of coal enable a vessel to effect?—Working at full speed, and going on without any serious obstruction, making the best of her way, it would carry her for about 11 days, I think.

1359. What run for each day?—She would run about eight miles and a half an hour; that is, supposing it to be variable weather.

1360. That is, she would average about 200 miles a day?—Yes.

1361. That would be about 2,200 miles?—It would.

1362. *Chairman.*] Have you seen the Atalanta and Berenice?—Yes, I have seen them both.

1363. Do you consider them well calculated for the service for which they are intended?—The Berenice is certainly a very fine vessel; but I should not have put quite so much power into her, or so much weight into her, and have given her a greater rise in the floor; and I think I should have had at least as much speed out of her.

1364. Mr. *Mullins.*] Are you aware that the French have made any important improvement in the building of new vessels for steam navigation?—They decided on building vessels of about 620 tons measurement, and of putting two engines of 80-horse power each into each of the vessels, and they have obtained greater speed than any that we have to offer.

1365. *Chairman.*] Greater speed than the Volcano?—Yes, considerably.

1366. You know that the Volcano has made a very rapid passage lately?—Yes, I am aware of that; but one passage is by no means a criterion of what a vessel can do.

1367. Mr. *Mullins.*] In giving this opinion have you any papers or any authority to go upon?—I have the authority of the French engineers of the commission that is appointed to inspect the vessels, and the particulars of the dimensions of the vessels, and their performances. It appears that two of these vessels had an average speed in the ocean and in the Bay of Biscay of 8 knots and 800^{dths} per hour, and in the Mediterranean of 8 knots decimal 936. Now, we have no average equal to that anywhere here.

1368. *Chairman.*] And what does that superiority arise from?—Of course within the last few years engines have been improved, and they have studied the form of the vessel; they have paid attention to the minutiæ; they have not overladen the vessel with weights, and they have likewise studied very much the form.

1369. Now, what paddles have they adopted?—They have the common paddle; these vessels have the common paddle.

1370. Mr. *Mullins.*] Are you aware that one of the Mediterranean packets was forced to put back in attempting to make her voyage from Falmouth a few months ago?—It has happened that one of them has done so; I do not recollect the exact period; but that one did not put to sea a few months ago when the mail arrived, I recollect; but it has happened before that such was the case.

1371. Is that a circumstance of frequent occurrence?—By no means frequent; I do not believe it has occurred three times, or at the utmost four times, since packets have been established; and the packet service was commenced with vessels built in the very infancy almost of steam navigation, and therefore not upon the most approved principles.

1372. Then

1372. Then you do not consider all the Malta packets to be efficient vessels?—No, not such as would be built if they were now to be laid down; but many of these vessels were built 12 years ago, and in the last 12 years it is that we have learnt something of navigation to distant parts.

1373. But they have got some new packets, have they not?—They have.

1374. Are you acquainted with the rate at which those packets go?—The fastest one averaged 7 3-4 knots; that is the Ballaser.

1375. You are aware of the distance between Socotra and Bombay?—Yes, it is about 1,200 miles, rather better.

1376. Then if, according to your calculation, a vessel will take fuel without overloading, for 2,200 miles, what impediment or difficulty is there in such a vessel accomplishing the passage by headway, between Bombay and Socotra, or for similar distances?—Because that sufficiency of coal for 2,000 miles was calculated upon the average speed obtained by these French packets, but if the vessel is to be opposed to a continued resistance the whole way, that average speed will wonderfully change; she will have steerage-way, and then that whole quantity in place of being a sufficiency for 2,000 miles, will not be a sufficiency for 1,200; she would not have four knots and a half; for instance, her mesne speed and that quantity of coal would not suffice for 1,000 miles; she would require three miles an hour to steer, and if she has only steerage-way on her that quantity of coal will not carry her a long distance.

1377. Then you think, under any circumstances, it would be advisable for a vessel communicating between Bombay and Socotra to make southings?—Yes, if the weather is dead against her.

1378. I mean in the south-west monsoon?—In the event of a continuous and violent gale against her, then of course her business would be to run to the southward; but if it were only conditional, on the continuance of the weather, then I should say it would be necessary for her to go to the southward.

1379. Do you think it would be advisable that vessels constructed for such voyages should be made effective sailing vessels as well as steamers?—If you make them what sailors term effective sailing vessels, they are non-effective steamers.

1380. Are you not aware that the Medea is a good sailing vessel?—I am aware the Medea was built as a cruiser to accompany the fleet, and required to be more under sail than under steam; had she been solely built for a steamer, her performance as such would be very much better than it is, because she would be relieved from her top hamper.

1381. Now, according to your calculation, how many vessels do you consider will be required for the entire line between Falmouth and the three presidencies?—There would be 12 vessels required to be in constant motion.

1382. How many between Falmouth and Alexandria?—As an establishment, five.

1383. And from Suez to the different ports of India?—You would require eight, and I should say three spare vessels, because an accident may occur; a vessel may be under repair, and there ought always to be a spare vessel to make certain of it.

1384. How many would you have between Suez and Bombay for a monthly communication?—Five.

1385. Is it your opinion that less than five would answer for keeping up the communication efficiently?—I do not think it would; I am satisfied it could not for long, whatever their power may be.

1386. Will you state your reasons for so thinking?—Engines require frequent repose and frequent cleansing; if any little defect begins to show itself, and it is put off, that defect not only increases in the course of working very rapidly, but it induces others. The distance from Bombay to Suez is very nearly, I think, the same distance as there is between Alexandria and Falmouth, and we have found that the Admiralty have not been able to keep up that communication without having five vessels to do it. There is one vessel constantly between Malta and Alexandria, and there are four vessels that are off and on constantly between Malta and Falmouth; one occasionally under repair; if there are three taking alternate trips, there is one under repair almost constantly; when I say five, I might say six; because, having a number of them, if the Atalanta vessel becomes defective in her machinery, and requires to be sent home, another is taken out to take her place while she is being repaired, so that less than five

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would not give a certainty. Then the great heat of the climate is likewise to be considered; if you have a few vessels to do the work, the men will be overworked or worked beyond their capability of standing it; the heat of the engine-room is very great indeed, and it relaxes them so completely that they require a great deal of rest before they are enabled to do the work which the engine requires of them; it is not like these cold climates; I have known men lifted out of the engine-room, hauled out of the engine-room actually exhausted during the heat there in the Mediterranean or the Adriatic. The heat of the Red Sea is considerably greater than that in any part of the Mediterranean from what I have understood.

1387. And, of course, you think they will require more rest?—They will unquestionably; it is not only the engine which requires rest and cleansing but the men themselves require a great deal of rest.

1388. Then how many vessels would you have between Socotra, taking Socotra as a central point, and the other presidencies?—Four vessels would be enabled to communicate with Calcutta from Socotra.

1389. With Calcutta, Madras and Ceylon?—Yes; but I should prefer allowing them a spare vessel.

1390. Should you think it advisable that all those vessels, I mean on the eastern side of the Mediterranean, should be of one size?—Yes, and the machinery similar; all duplicates. All the wants for the vessels would, under those circumstances, serve almost indifferently the one for the other. It would be perhaps impracticable to get them all exactly alike, and no two engineers make engines precisely similar; but they ought to be just as nearly alike as possible. It likewise will enable the person who has the establishment in charge to apply the vessels to any particular station, where one may be required, and withdraw any vessel from that station which may require repair. The Red Sea will require less power in itself to overcome its difficulties than the ocean would, but then we are to suppose that there will be a greater number of persons embark on board the Red Sea boats, a greater quantity of parcels and packages, so that that which is not wanted by reason of the obstruction or the violence of the weather, is required by reason of the other wants of that particular station.

1391. Have you made any estimate of the probable expense of a general communication with India?—Yes; I assisted in making part of an estimate for that purpose. Major Head and the gentlemen of the provisional committee called upon me to furnish them with some particulars, and in so far as the engineering department was concerned, I did furnish them particulars.

1392. Then you have no further information to give upon that point in addition to what has already been given by Major Head?—I presume not.

1393. You furnished him with those particulars, and he has given them in; what distance should you recommend the steamers, of the size you propose, to go without requiring to replenish their coal?—The shortest possible stations for all the steamers. I have known one instance, that is, I have it on report, I was not present, but I have it on such report as I have every reason to place faith in, that a vessel starting from Falmouth with the Mediterranean mail has been worked at an hourly expenditure of fuel, in the first instance, of 14 bushels an hour, and before she has reached Gibraltar been consuming 19 bushels. That was from the accumulation of the saturated solution, from the deposit in the boiler, and from the inertness of the men.

1394. *Chairman.*] From the deposit of salt?—From the deposit of salt and from the joints becoming loose, the packing being worn, and the inertness of the men altogether, all causes combining; the shorter the distance that is run the more economical the vessel becomes, the longer she lasts. We have better performances from the same sized vessels. The Dundee and Perth have made very good voyages, running between Dundee and London, for instance; but place those vessels between London and Gibraltar, and the average consumption of fuel will increase; it is simply from those causes.

1395. Then your opinion is it would be advisable to have as many depôts as possible in that communication?—Certainly, to have short stages, and to relieve the vessels as frequently as possible, not to make a vessel take the mail at Suez and go on with it to Calcutta, but if possible not to allow one vessel to be at sea continuously for more than five or six days if practicable; but that is not practicable, but at any rate to limit it as much as possible.

1396. Mr.

1396. Mr. *Mullins.*] Then, looking to the expense of the establishment of the various depôts, you consider that that expense would more than be counterbalanced by the greater length of time the vessels would be likely to last?—And the wear and tear will be very sensibly less.

1397. Have you any idea of the annual expense of one of the Mediterranean packets?—None in the world; I have not the slightest idea what the expense is.

1398. How many passengers do you apprehend a vessel of the size you have described (of 650 tons) would be capable of taking, independent of fuel?—About 45 aft-passengers and 25 fore-passengers, between servants and masters about 70 persons.

1399. But how many could such a vessel accommodate with convenience and perfect comfort?—About that number.

1400. Do you mean cabin passengers?—All of them cabin passengers, only some of them fore-cabin passengers and others aft-cabin passengers, between masters and servants; I suppose that some persons carry servants; all persons are counted passengers, although they are in different situations.

1401. Do you suppose that a vessel of such a size would be enabled to carry a general cargo, independent of the passengers' luggage, and also independent of the fuel?—Certainly not; not to maintain anything like a fair average speed.

1402. Then what additional tonnage would you give a vessel, looking to the advantage of reserving a certain tonnage for the conveyance of merchandize?—These vessels would be calculated to carry about 20 tons, because I always understood it was merely parcels and samples and objects of value, which go into a small space, and are not weighty.

1403. Looking to the conveyance of a more general cargo and a heavier one, what sized vessel should you think it advisable to adopt?—Then of course we must increase the size.

1404. Supposing you had a vessel of 1,000 tons, and a proportionate horse power, what tonnage would such a vessel have spared for a cargo, over and above the quantity of fuel necessary?—She would have very little more comparative room, if we were to put power into her in the proportion which the vessel's power bears to the vessel's size.

1405. How many tons do you calculate; you can form an opinion as to that?—To obtain the same average speed that this vessel would, she would not do it; I could not put any more in.

1406. Then I understand you to state you must diminish the vessel's speed if you give her any more room for cargo?—Yes, certainly.

1407. Of course, the witness understands that the question put to him is with reference to the distances those vessels would have to go in communication with India?—I suppose they are to communicate with the several points on which I have been already questioned. And you cannot put weight into a vessel without sinking that vessel, supposing it to be the same vessel; for instance, you cannot put extra weight into that vessel without sinking her more in the water; by immersing her more in the water, the greater duty she has to perform, and with the same power, she cannot perform that duty with equal rapidity.

1408. But considering that a vessel may not have to go at the utmost more than 1,600 miles, do you not suppose that the quantity of fuel might be diminished with safety, so as to admit of greater room for the conveyance of a cargo?—If you diminish, you must replace that weight.

1409. But with safety, looking to the possible obstacles from contrary winds, for instance, that the vessel may meet with?—Not from Bombay, in the monsoon; you might diminish it from Ceylon, but in no great degree during the monsoon: at any other time of the year, in variable weather, then you may diminish the quantity of coal and immerse the vessel equally by a cargo.

1410. Have you turned your attention to any of the late improvements in steam machinery?—Yes, I have.

1411. With a view to the curtailment of space in steam vessels?—I have seen most of the plans which have been brought forward.

1412. Is there any of those plans that you could particularly recommend?—I do not think there is any that has yet had that test of experience which would justify me in recommending it to the Committee.

1413. Have you any acquaintance with Mr. Collyer's boilers?—I have seen them.

1414. Are you aware that a vessel has been fitted with Collyer's boilers, by order of the Lords of the Admiralty?—The Pluto.

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1415. It was tried?—It was tried. I saw the boilers when they were fitted, and I saw them after they came out.

1416. Do you know the vessel against which this vessel was tried; the Meteor, I think it was?—The vessels are very dissimilar.

1417. Did you understand how many knots an hour the Meteor made passing down the river?—It is so long since that I cannot carry it in my mind; I cannot recollect that at all.

1418. Are you acquainted with Hall's patent condensers?—I am.

1419. What is your opinion with regard to their application?—I think it is a most valuable improvement, and one that I almost should say is absolutely necessary to Indian steam.

1420. Are you aware it has been stated as an objection to them that it renders the machinery much more complicated, more difficult to put in order if once it gets out of repair?—It may have been so stated; I do not see in what respect it injures the rest of the machinery, but they may be applied to engines without altogether preventing the common condenser from being fitted to the vessel, likewise, should anything occur to them, recourse may be had to the common mode of condensation.

1421. Are there any of the Government vessels already fitted with those condensers?—I believe none; the Government did order one set of engines to be fitted with them, but I believe those engines are not yet erected in the vessel; I do not believe the vessel is launched yet.

1422. Do you know any other vessels to which they have been applied, and found to succeed?—The Hercules, belonging to Liverpool, I think, at any rate built at Liverpool, which runs from London to some port in Ireland now, and has done for a long time, I think to Cork. I was informed by the engineer of the Hercules, whom I questioned upon the subject, without his knowing who I was or that I was at all connected with steam machinery; I inquired of him on one occasion when I had known they had opened their boilers after many months' use of the condensers, and I asked him in what state he found the boilers; he told me they were as clean then (they had been working them for seven months) as they were the day they were put into the vessel; and the same or similar statements have been made by other persons who have had opportunities of inspecting these boilers. There are several other vessels; I do not carry in my mind now the numbers, but they have been now under experiment, if I may so say, for two years; and I do not know any one instance in which they really failed.

1423. Then it is your decided opinion, as a scientific man, that those condensers have been found to answer the purpose in every respect?—I should say, certainly.

1424. And that the experiments have been sufficiently tried to justify you in recommending them to be applied in those new vessels about to be built for steam communication with India?—I should say, certainly; I have no hesitation in saying that.

1425. In the Hercules, the vessel you named, is the boiler iron or copper?—Iron; and it is a very great advantage indeed presented by Hall's condensers, that it enables you to retain the use of iron boilers, because iron boilers are certainly stronger than copper ones.

1426. And you do not apprehend the same liability to accident with an iron boiler, while using Hall's condensers, that you would with an iron boiler without them?—No question about it, because it totally prevents incrustation, and it renders the Welsh coal more valuable.

1427. Are you aware that there exists a very essential difference in the nature of the water of the Red Sea and the Indian Ocean; that in the one sea the water is much more saline than the other; has a greater proportion of sulphuric acid and lime?—I suppose the water of the Red Sea would be the most impregnated; I should imagine so, there being no rivers discharged into it, and the evaporation being very great.

1428. Assuming that to be the case, of course you are aware there would be a greater liability to incrustation?—There would, under those circumstances.

1429. Then any difficulty likely to arise from the necessity of often blowing off under such circumstances would be completely obviated by the use of the patent condensers?—Yes.

1430. And do you contemplate any case in which it is possible that incrustation may arise?—There can be no possible way in which it can take place, because he resorts to the very ingenious plan of distilling water from the sea

water

water in a separate vessel; whatever deposit there is takes place, that is in a separate vessel, so that the boilers and the engines are worked with pure water. It is not only the boiler, but the engine likewise, which will suffer very much from the hot salt water; the injection of sea water impregnated into the condensers, in the course of time, injures the effect of the engine, and likewise destroys the condensers. *W. Morgan*, Esq. 4 July 1837.

1431. In Collyer's boilers there is one improvement, which I should think applicable to any steam-engine; I wish to know whether you are acquainted with the safety or breathing pipe, so called by Mr. Collyer?—No, I do not recollect it.

Jovis, 6° die Julii, 1837.

MEMBERS PRESENT.

Lord William Bentinck.	Mr. Mullins.
Mr. Gordon.	Mr. Young.
Mr. Hutt.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

Samuel Briggs, Esq., called in; and Examined.

1432. *Chairman.*] WHAT are you?—A merchant in London, of the house of Briggs, Thurburn, Acraman & Co., and at Alexandria, in Egypt, of the house of Briggs & Co. *S. Briggs*, Esq. 6 July 1837.

1433. How long have you resided and been engaged in business in Egypt, and are you now engaged in any house or firm there?—My connexion with Egypt commenced with the conjunct expedition under Sir Ralph Abercrombie and Lord Keith in 1801, and on the evacuation of the country by our forces at the peace of Amiens I was appointed His Majesty's consul at Alexandria, in 1803. This office I resigned in 1810, but established a commercial house at that port, and have visited the country four times since. I have resided in it at various periods more than 12 years, and my house still continues there, under the firm of Briggs & Co.

1434. During that time, had you ever occasion to go to any part of India, and are you generally acquainted with the commerce of India and the Red Sea as it has existed during your residence in Egypt?—About 20 years ago I visited Bombay by the route of the Red Sea, embarking at Suez and returning by Cosseir. It was an object with the Pacha of Egypt (the same who now governs the country) to open a commercial intercourse with India, in which he embarked largely himself, but the moment was very unfavourable (from 1817 to 1819), and the trade was relinquished; it was at the period when the free trade was in full operation, both in India and in England. The natural consequence of this sudden competition was, throughout India, a great depreciation in the price of imports, and a large advance on all exports, which produced ruinous effects in England and throughout Europe as well as in Egypt. The fiscal regulations of the Egyptian government would, under ordinary circumstances, have defeated the enterprise, as a duty on imports from India was levied of nine per cent., including custom and escort duty, besides two Spanish dollars per camel load of goods in addition to the regular hire.

1435. Are you aware of any political or fiscal regulations of the Viceroy of Egypt which would in any degree impede the progress of passengers, or such merchandize as is likely to pass by steam navigation through Egypt to India?—The Pacha of Egypt, Mahomed Ali, has always been friendly to a commercial intercourse with India as well as with Europe, and is disposed to afford every protection to trade across the Desert to Suez, and by the route of Cosseir and throughout the Red Sea, wherever his power extends. To insure, however, his cordial co-operation, it would be necessary to enter into a special negotiation on these points; all depends on his will; he can promote or thwart the trade at pleasure; but by the favourable dispositions he has always manifested towards England, much may be obtained by tact and conciliation. To passengers going to or coming from India the Pacha has uniformly given every assistance, and they have passed through his territories as safely as through any part of Europe. The nullity of the trade in English ships under the former onerous

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duties, and the more enlarged views of commerce and politics now entertained by the Pacha, may possibly induce him to consent to a modification of the custom duty, and place it upon the same footing at Suez and Cosseir as at Alexandria.

1436. Would the Viceroy of Egypt be likely to grant permission for the free transit of all goods across the Isthmus for re-exportation, without the necessity of opening the packages, on the payment of a moderate sum in the gross per annum, or for a moderate *ad valorem* transit duty on an English custom-house certificate, or in any other mode which you can suggest, by which the opening of packages in passing through Egypt would be avoided?—The transit of merchandize through Egypt for re-exportation without opening the packages could only be arranged by special agreement with the Pacha; but he possibly might be induced to allow such transit on trial for one or two years, on payment of a fixed sum in the gross per annum, or for a moderate sum *ad valorem* on an English custom-house certificate, care being taken that the full duty be paid on all goods intended for the consumption of the country.

1437. Do you think he would willingly enter into such a negotiation?—I do.

1438. What are the articles of merchandize which in your opinion are the most likely to be conveyed by steam vessels from England to India, and *vice versâ*, in the event of a regular monthly communication being established between the two countries?—In ordinary times, such goods only as are of comparatively small compass and great value could be expected to go by the Desert to Suez and India, as all heavy goods of comparatively small value would continue to go by the Cape. When the communications by steam become regular, and confidence is established, no doubt both imports and exports by the Red Sea would progressively increase. The articles likely to take that route are coral, cochineal, both of Turkey and Egypt, quicksilver from Trieste, fancy silk stuffs and fine manufactures, white lead, foil or tinsel, of which there is a large consumption, bullion, books, periodicals, &c. to India, and from India, raw silks and silk goods, indigo, shell lac, cloves, cassialignea, cinnamon, nutmegs and other spices, pearls, tortoiseshell, Cashmere shawls, gums, tea, coffee, pepper, aloes and other drugs.

1439. In the event of the packages not being opened in Egypt, would there, in your judgment, be any danger from plague or other infection from goods imported into England or India, conveyed in closely soldered tin boxes, enclosed in wooden cases, iron-bound, or not corded, such goods being originally shipped at a clean port?—Goods originally prepared at a clean port in Europe, if closely soldered in tin cases, or enclosed in oil-skin covers and strong wooden cases, iron-bound, without cords externally, can be in no danger whatever from plague or other infection, if suffered to pass through Egypt unopened, that I can speak positively to.

1440. What interruption does the plague give to commercial transactions and intercourse amongst Europeans in Egypt; at what season of the year does it chiefly prevail, and does it ever entirely cease; does it periodically appear every year, or for how long does it occasionally disappear?—The plague does sometimes in the spring months interrupt trade among the Europeans and native Christians in Egypt, particularly in manufactures and such articles as are supposed to be susceptible of contagion, but whenever it does prevail in spring, it always ceases in summer (and that I speak from a long experience there) with the great heat, at Cairo and in Upper Egypt about the end of June, and at Alexandria and in Lower Egypt about the end of July; during the remainder of the year the country is generally free from plague and is healthy. At intervals the plague ceases altogether for eight or ten years, as from the year 1803 to 1813, and subsequently at other intervals; after a total cessation of some years it usually is very destructive the first year that it breaks out again, but the principal victims are the diseased, dissolute, ill-fed and dirty natives of the lower orders, and Europeans of the same description. It very rarely attacks the middle and upper classes, who are temperate and cleanly in their persons and habits, though exceptions are sometimes to be found. After the first year, when the most diseased have been swept away, if it does show itself in the following spring it is generally of a milder character, and always ceases at the summer solstice; and though it may re-appear for a succession of seasons, from March to June, and sometimes in January or February, it gradually loses its malignancy, until the disorder

disorder becomes extinct for a number of years. In ordinary seasons it is not more fatal than typhus, cholera and some other maladies which periodically visit Europe. With the exception of the month of March to the end of May, when the river Nile is at the lowest and the hot winds prevail, the climate is one of the finest in the world, though in general it is supposed to be one of the worst. Few climates can be compared to Upper Egypt from October to February, as it rarely or never rains, and the country is covered with verdure and freshness. In summer the Upper country, and indeed all Egypt, is exempt from rain, and the weather is hot, but at Alexandria and in Lower Egypt the cool refreshing winds from the north and west set in regularly from the summer solstice to the equinox of September, and the heat is then never oppressive. The Nile rises from June to October, when the rains of the south-west monsoon fall in Abyssinia, but never in Egypt, which is fertilized by the river. Alexandria and the Mediterranean coast is exposed in winter to rain, like any other part near the sea, but it rarely extends more than 30 or 40 miles inland. Much merit is due to the Pacha of Egypt for his endeavours to prevent the introduction of the plague into the country from Constantinople and other parts of Turkey and Barbary, whence pilgrims to Mecca frequently come in great numbers, closely stowed on board small vessels, with scarcely any comforts, and where fevers and other disorders are generated, and frequently degenerate into plague. It has often been traced to these swarms of pilgrims that come from Constantinople, and from Algiers, Tripoli and Tunis, by being crowded on board vessels. At the recommendation of the European consuls resident at Alexandria, not only did Mahomed Ali, the Pacha, consent many years ago to establish quarantine regulations at Alexandria, but delegated his authority in those matters to a committee composed of the foreign consuls and other experienced individuals, so that the danger is much diminished to what it was 30 years ago. There is no want of medical attendance in Egypt, and some of the English and French doctors have fearlessly and successfully treated many plague patients.

1441. What would you suggest as the best mode and route of crossing the Isthmus of Suez from Alexandria, and in what period might it be done by passengers without extraordinary fatigue and inconvenience; and would the same time be sufficient for the conveyance of such merchandize as would be likely to pass by that route?—The Isthmus of Suez to Cairo, like the Desert between Cosseir to Kench, or Thebes, on the Nile, can be crossed at all seasons without any particular danger or extraordinary fatigue or inconvenience, if passengers are provided with tents, and take with them the necessary supplies of provisions, water, wine and their usual comforts. The journey from Suez to Cairo is usually performed in three days, sometimes, with light baggage, in two days, the distance being 72 miles. A special messenger, by dromedary, may perform the distance in one day, and even less; the route by Cosseir, either to Kench or Thebes, on the Nile, is about 125 miles, and the journey generally occupies five days; both roads are of hard gravelly sand, fit for carriages, with trifling exceptions, which could be removed without any great difficulty. No carriages, however, are to be procured in the country, though the Pacha and some of his court have of late years introduced several from Germany and England for their own private use. The only present mode of conveyance for baggage and merchandize is by camels, and for passengers by mules, horses, dromedaries and asses of a superior breed; all these have easy paces, but the motion of the camel is very laborious, so that this patient, useful animal is seldom used but for the transport of baggage; its usual pace is two miles and a half per hour; though the other animals travel quicker it is not prudent for travellers to separate from their supplies, but they may let them proceed on for an hour or so before them. In the Desert between Cosseir and Kench or Thebes, on the Nile, the difficulties which formerly existed, for want of water, have of late years been removed, as two English borers, with a Swiss mineralogist, were employed for two years, 1831 and 1832, in sinking new wells and deepening the old wells, so that now there is plenty of water along the whole line of 125 miles, at convenient distances; so much so, that when the old wells formerly yielded in 12 hours only a scanty supply of five to eight skins of dirty water, there is now a regular supply of eight feet deep by eight feet in diameter, in 12 hours, quite enough for a small caravan. This undertaking was patronized by the enlightened ruler of Egypt, and by his no less energetic son, Ibrahim Pacha, who afforded a native guard and every protection to the two English

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borers and their assistants, who were sent out from England with the necessary implements, and employed in the deserts during more than three years, at the expense of an English gentleman connected with the country, in the hopes it would be of permanent benefit to travellers to and from India, as well as to the numerous pilgrims to and from Mecca; for Mecca and all the coast of Arabia is supplied with corn by this route. Several attempts for water were made in the Desert, between Suez and Cairo, by the same parties, and in one place, about midway, with partial success; but after constructing galleries communicating with the shaft to collect the water, it gradually disappeared, so that there is no water in the whole course of 72 miles, except in the vicinity of Suez. It is very likely the partial success which has attended these excavations may induce the Pacha of Egypt to prosecute further attempts, both in Egypt and Syria; and in fact, at his desire, 40 boring drills were sent out to his Highness in the year 1833, the iron rods for which were to be made at his own foundries. I have crossed myself the Desert of Suez three times, in the hottest part of the year, in July and August, and the Desert of Cossier once, in the month of June, without suffering any particular inconvenience; even at that season the nights are chilly, and it is advisable to be provided with cloaks and blankets, for many persons are disposed to travel by night in preference, though the sun is very powerful by day, and the heat is increased by the reflection of the sands; the dews are also very heavy. The introduction of palanquins, with Indian bearers, for the use of ladies, or even gentlemen, would be a very great accommodation, and probably would be patronized afterwards by the Pacha and his court, and be the means of inducing several sets of bearers to settle in the country, which would materially facilitate the intercourse between India and Egypt. This might likewise be promoted were the Pacha to encourage the settlement in Egypt of part of the redundant population of Indian Mahometan labourers; they come up to Mecca to perform their pilgrimage, and were he to encourage them, for the cultivation of the soil, I think that it would facilitate the intercourse; the numbers of natives having of late years been very much drained for recruiting the army and navy of the Pacha, to the detriment of agriculture, the source of the wealth of Egypt. Many hundreds of Maltese labourers and artisans have for years been settled at Alexandria and Cairo, and obtain a livelihood which they could not obtain in their own island; and an arrangement with the Pacha for encouraging Indian settlers in the upper provinces would be likely to prove beneficial to both countries, and cement the connexion between them.

1442. Are there any roads, or might they be readily constructed, by which carriages could pass any portion of the distance from Alexandria to the Red Sea, and by what route?—When I quitted Egypt, six years ago, there were no carriage roads between Alexandria and the Red Sea, but they might easily be made between Cairo and Suez, and between Kench and Cosseir, in Upper Egypt, were the Pacha to give his sanction and co-operation; and that he is so disposed I know, for five or six years ago I sent out to one of his officers an English stage-coach, by his particular desire, and he then had the intention of making roads. He has had carriages for his own use, and I am now going to have built here two landaus on purpose for him, which shows he has had the disposition, though it has been deferred; but if once he sees the advantage of it he will do it. The usual route for travellers and goods prior to the year 1820 was by sea, in the country boats, from Alexandria to Rosetta, on the Nile, and thence in other boats by the river to Cairo. But since the formation by the Pacha of the famous canal of Mahmoudia, which leads from Alexandria across the country to Atfè, opposite Foue, on the Nile, it saves one-third of the distance to Cairo, besides avoiding the dangerous bar or bogas at the mouth of the river. All passengers and goods go by the canal to and from Cairo, and thence by Suez or Cosseir to the Red Sea, as described in answer to Q. 1441. The Pacha has had it in contemplation for some time to construct an iron railway across the Isthmus from Cairo to Suez, and has had part of the rails prepared in England and sent to Egypt.

1443. Is there any danger or difficulty in passing through Egypt at present, either from the Arabs in the Desert or otherwise?—There is no danger nor difficulty to be apprehended, from the Arabs in the deserts or otherwise, in passing through Egypt, nor has there been any for more than 20 years, owing to the vigorous government of the Pacha. The casualties are of very rare occurrence, fewer than in many parts of Europe; as in our days we recollect highwaymen

highwaymen at Hounslow, so 20 years ago there used to be irruptions in Egypt, but latterly there have been none.

1444. Being well acquainted with the commerce of Egypt and India, as well as of Europe, what do you consider would be the ultimate, as well as the present effect, in a commercial view, of establishing a regular monthly steam communication between England and India; in the course of a short time, do you consider that many articles of commerce which now only find their way round the Cape would be conveyed by such steam communication direct?—It is my opinion that if a regular monthly steam communication between England and India be established, many articles of commerce will be conveyed by such steam vessels which heretofore have been sent by the Cape; but no heavy bulky goods of comparatively small value would take that route under ordinary circumstances; nor do I think it would be desirable, as it would have a tendency to injure our shipping interests engaged in the trade by the Cape, and consequently would affect one of our best nurseries for seamen, considerations of primary importance to a maritime power like England.

1445. Do you consider that the insurance of articles by the steam communication would be heavier or lighter than what is at present paid round the Cape?—In general, insurance by steamers may be effected cheaper, or at the same rates, as by sailing vessels; but between England or any Mediterranean port and India by the Red Sea there are other considerations which may materially affect the premiums; for it would not be one continued unbroken voyage, as from London round the Cape to Calcutta, or other port of India, but the goods shipped at London would first be discharged at Alexandria, then loaded in boats by the canal of Mahmoudia, to proceed by the Nile to Cairo, where they would be landed again, and thence loaded by camels for Suez to be reshipped for India; the breakage and damage to which many packages would be subject by such frequent loading and unloading the goods, and which is repeated at every halt of the camels during the three days' passage of the Desert, would greatly increase the risk of the underwriters, who may be expected to demand a high premium, or to be exempted from all average, which would in many instances operate against this route.

1446. Suppose a necessity to exist, owing to the existence of plague or war in Egypt, for pursuing a course up the Gulf of Akaba, instead of the Gulf of Suez and crossing the Isthmus to the Mediterranean Sea, do you think any difficulties would be encountered in that route, either in crossing the Desert or otherwise; and to what part of the Mediterranean would you advise that the steamers from England should go?—Were the plague to exist in Egypt in any violent degree, which rarely happens above once in eight or ten years, though it may in a milder form prevail for a succession of years in the spring months, despatches may still be sent *via* Suez, in perfect safety, in tin or wooden boxes, iron-bound, as mentioned in answer to Q. 1439; small valuable parcels packed in the same way would be equally safe; but merchandize in general it might be prudent to suspend shipping, unless packed in oilskin or wooden cases impervious to the air, supposing that an arrangement could be concluded with the Pacha to pass through Egypt unopened, on payment of a specific sum, as mentioned in answer to Q. 1436. The route by the Gulf of Akaba to the Mediterranean shore is very little frequented, and from its greater distance in the Desert to the seat of government is more difficult to protect; besides which, there is no safe sea port in that direction on the Mediterranean, though anchorage may sometimes be afforded at El Arish, to the eastward of Damietta.

1447. Mr. *Mullins.*] In your answer to a former question, you stated your opinion to be that in consequence of the frequent changes of packages from one mode of conveyance to another there might be a greater risk, and in consequence a higher degree of insurance?—Yes.

1448. Do you not suppose it would be possible to have a different mode of packing and preparation of the different articles, so as to prevent any of those consequences which you appear to apprehend?—It is possible, certainly, to alter the packages and make them more secure; there may be some few exceptions.

1449. In the case of quicksilver do you not suppose it possible?—Yes; they do pack it in iron bottles. I think when once the trade is commenced that many improvements may be introduced.

1450. In fact, that those risks that you apprehend may be met by an alteration in the mode of packing?—Yes; that I dare say it may, in a great measure.

S. Briggs, Esq.

6 July 1837.

1451. *Chairman.*] You have no doubt of the disposition of the Pacha to give every facility?—No, that I am certain of. It is only a question if he is expected to guarantee this route, or if we will take the chances, as through any part of Europe; he will protect as far as possible, but he would not guarantee in case of plunder that he should make good any loss; if there was a duty stipulated for that, or if he undertakes this iron railway, he probably will say he will take the usual custom duty; but as you pay for canals and railways in England, so he must there have a remuneration. That must be negotiated personally with him.

1452. But you do not consider there is more risk in passing through Egypt in the route described than in any other part of Egypt?—Not at present, nor for 20 years back I do not see there has been any danger at all.

1453. You have stated, so long as the present Pacha lives, and during the reign of his successor, should he ever attain to that dignity, that there is no likelihood of an interruption to the intercourse, but rather an encouragement of it?—Perfectly so.

1454. Do you not suppose that, under any circumstances, it would be matter of interest to the governor of Egypt for the time being to encourage a communication with India?—Certainly, provided no civil wars arise; that is all that I apprehend. We have known Egypt in a state of great confusion when the Mamelukes commanded; and when a civil war rages in the country there is no security. It is then that the Bedouin Arabs rob and plunder every caravan; they cannot be controlled; but so long as the governor continues as vigorous as Mahomed Ali, and his son, Ibrahim Pacha, there is no danger whatever. The Arabs never were, for ages back, controlled in the manner they are now by the Pacha; he has organized them, and they see their interest in it.

1455. And you think it likely that from the example previously set, or the great benefit resulting from the present mode of government, it is likely that that mode of policy would be preserved, under any circumstances and under any governor?—I should hope so. But I apprehend the Sultan has so great an interest in regaining possession of Egypt, that it may give rise, if he does make any attempt, to throwing everything into confusion, and may produce civil war again. It appears the Pacha has been negotiating at Constantinople to be recognised, himself and his successors, as hereditary governors of Egypt and Syria, on paying a tribute; and there was a disposition apparently on the part of the Sultan to accede to that, and to allow Ibraham, if he succeeds, to possess all the power of the country, for the Pacha would wish to see it hereditary in his family.

1456. From your knowledge of Egyptian policy, is it your opinion that any other of the European powers may exercise influence sufficient over the Pacha or his successor to induce them to alter their present policy with regard to England?—I am not of opinion that any power could do it, unless cause of dissatisfaction were given by England; but it is, I know, the policy and the disposition of the Pacha to encourage a friendly intercourse with this country, notwithstanding all the overtures of Russia and France. I am certain that from the power which England possesses on the Indian Ocean as well as the Mediterranean, we might crush his fleets whenever we pleased, and he is sensible of it; but independent of that, I am sure his own individual feeling is in favour of England; we court him less than Russia and France, who in professions are very liberal always, but he is very politic and shows great attention to those powers, though in fact his feelings are in favour of England, I can vouch for it.

1457. In an answer you gave to a former question, did you mean to recommend particularly the route between Cairo and Suez in preference to the route between Kench and Cosseir?—Yes; that is the most frequented and the shortest across the Desert. The other is more pleasant, perhaps, to passengers; gentlemen who come from India, and have got time to spare, by going to Kench and Thebes, have the opportunity there of seeing the finest antiquities in the world; there are none in any part of Europe to be compared to them; and all down the Nile it is a very pleasant navigation; if they go for the benefit of their health, for the winter there is just like the spring of Italy.

1458. In the event of water not being found on the passage between Cairo and Suez, do you apprehend that the want of it would present any serious objection to the communication between Suez and Cairo?—No, I do not apprehend

hend that, for it has always been carried on. There are more difficulties, of course, but then they must take their supplies with them. If water was found there it would then become a regular route and there would be no difficulty whatever; in fact, you might drive a curricle all across that desert; there is only just one or two spots, extending not many yards, where you might blow up the rocks; the rest is a fine hard road.

1459. Do you know whether a wheeled carriage ever crossed it?—Yes; the Pacha has passed it with some of his family, when he went himself to Mecca; on his return the carriage was sent there for them; that was many years ago.

1460. What description of carriage was it?—A kind of English barouche.

1461. A heavy carriage?—A heavy carriage; a four-wheel carriage.

1462. Drawn by what animals?—Drawn by horses; they are excellent horses in Egypt, only you must have your supplies of water and provender for them.

1463. Up to what period does your information regarding the search for water extend?—Not subsequent to the year 1833: the borers came home at that period.

1464. Are you aware that a search has been made since that period and water discovered?—No, I am not.

1465. Have you heard such was the case?—No, I have not heard anything of that, but I should not be at all surprised that if a further attempt should be made it would succeed; the Pacha, with his revenue, can do anything, but for a private individual it would be too much to undertake.

1466. Have you been on the route between Kench and Cosseir?—I have; I traversed it about 18 years ago.

1467. Do you know anything of the harbour?—It is a very indifferent harbour; the harbour of Cosseir is very small; I have been there in a ship of 400 tons, but it is not good anchorage when the wind blows from the east or north-east.

1468. You do not apprehend any difficulty in a steamer anchoring there or laying there for a short period?—No; they have been employed there several times; when Sir John Malcolm came, he touched there; I think it was the Hugh Lindsay, which afterwards came up to Suez. When Lord Clare embarked he went to the port of Cosseir, in, I think, the same steamer to Bombay.

1469. Assuming that to be the depôt, and a place of general embarkation, should you recommend that a steamer should stay at Cosseir on its way?—Just *en passant*, as they do at Malta; it would be very convenient, because there is no occasion to be detained more than a few hours, to put passengers on shore; it could be done without any loss of time; but at Suez there is very good anchorage for ships of 800 or 1,000 tons, and during the expedition under Sir David Baird, when the Indian army came to Egypt, they had East Indiamen of 1,000 tons there.

1470. Do you know anything of the Island of Camaran?—Nothing; I stopped at Mocha, when I went down the Red Sea myself, and passed by Camaran, but I had no knowledge of it then.

1471. Is it your opinion a regular passage to and fro of steam vessels would induce the Abyssinians to form a trade, which is known not to exist at present?—It might in progress of time, but the Abyssinians are constantly in a state of civil war with the Galla tribes, so that on that coast there is no safety; at the time Mr. Salt was there on a mission, I believe the country was much in the same state; they carry goods over to Mocha; and make a depôt there for the produce of that country.

1472. Do you not suppose that that commercial intercourse would increase?—Yes, that I firmly believe; if once there is security, and that a trade is commenced, I have no doubt that the trade with Abyssinia would increase, but if the country continues in a state of disturbance, there will always be insecurity.

The Honourable *John Elliott*, called in; and Examined.

Hon. *John Elliott*.

6 July 1837.

1473. *Chairman.*] YOU belong to the civil service of Bengal?—I do.

1474. How long were you postmaster-general in Calcutta?—From 1829, I forget the month, to December 1835, I think.

1475. How are the public despatches and correspondences at present conveyed between England and Calcutta?—By sailing ships; entirely by sailing ships.

1476. A very small portion of that correspondence hitherto has come by the overland despatch?—A very small portion of it has come, certainly.

1477. How many days are required for the common post to pass between Calcutta and Bombay in the dry season and in the wet season?—The average to Bombay and from Bombay was 11 days and 11 hours, in March 1835; that is in dry weather, and in wet weather, in the month of March of the same year, taking an average rate from Bombay, was 11 days, 11¾ hours; but this mail was at that time detained several hours at Midnapore, on their way to Calcutta, and at Poonah, on their way to Bombay, which has since been remedied; this will shorten the time about 10 hours. In the wet season, on an average, I should say three days may be added, and in very inclement weather, when the rains are at their height, further delays are occasionally experienced; I have known them as much as two days more, I think.

1478. What was the cause of these delays?—The inundation of the country by the heavy fall of rain, and the filling of the rivers, rendering them even impassable.

1479. Are any of the packets yet lost?—I do not remember any packet having been entirely lost on that road; I have known packets lost for a time owing to the people being taken by tigers.

1480. Are they ever so damaged as not to be legible?—I do not remember an instance upon that road.

1481. Do you remember many instances of the post-runners being taken by tigers?—I think I remember as many as five men being killed upon that road at the time I was postmaster-general; I will not be certain whether there were four or five.

1482. Is there any main road between Calcutta and Bombay?—If by main road is meant a road for wheeled conveyance, there is nothing further than from Bombay to Poonah, that I am aware of, which is 93 miles.

1483. What is the duration of the dry and wet seasons?—The dry and wet seasons, so called in the Post-office, are from the 1st of July till the 1st of November, that is the wet season; and from the 1st of November to the last day of June is the dry season. The contract rates are different for those periods; the contractors contract for a different rate of travelling at the two periods of the year.

1484. In what mode are the dauks carried?—On that road they are during the dry weather carried by foot-runners from Calcutta to Ripore; the distance is 535 miles to Ripore; from thence to Omroirtie, which is the termination of the Bengal post-office jurisdiction, they are carried in the dry weather by horses, on horseback, and in the rainy season by men; I cannot tell the exact distance of that, but at a rough guess I should say it is upon an average 330 or 340 miles; now, from Omroirtie to Poonah, I believe, a contract has been made since I left India; it was commencing, in fact, when I left India; for the conveyance of the mails, in the same way as above; that is, by horses in dry weather, and by men in wet, and from Poonah to Bombay they are conveyed in a wheeled conveyance of some description, something like a gig I imagine.

1485. Mr.

1485. Mr. *Mullins.*] At all seasons?—I believe at all seasons.

1486. *Chairman.*] What portion of this route is intersected by unhealthy jungle?—Nearly the whole way from Midnapore to Nagpore is through jungle, and a great part of which is unhealthy at most periods of the year; I cannot exactly define it more closely than that.

1487. The distance being about how many miles?—From Midnapore to Nagpore is about 600 miles, near 650 miles.

1488. Do you know of the intervention of any jungle on the Bombay side?—After leaving Nagpore, I believe there is a good deal of jungle between Nagpore and the Almabad, but I do not know the extent of it.

1489. Do you think passengers landing at Bombay could make this route overland to Calcutta?—Generally speaking, I should say, certainly not; healthy young men might do it at particular periods of the year, but females and children could never do it; and the strongest men can only do it occasionally, I should say at particular periods, under the present arrangement certainly.

1490. Is there any dauk conveyance of parcels established between Calcutta and Bombay?—There was one established just before I left the office, but I do not think it was quite complete, but there is one now I should imagine; at any rate, whether there is or not, it might always be put.

1491. How many days is banga in passing in the two seasons?—That had only just commenced when I came away.

1492. Mr. *Mullins.*] Can you form any opinion as to the period?—Yes, I can.

1493. *Chairman.*] What is the difference between the ordinary post and the banga between other stations, supposing the arrangements to be as well completed on one road as on the other?—The post from Calcutta to Meerut, a distance of 893 miles, travelled it in March 1835 in seven days and 20 ½ hours; the banga, in the month of April in the same year, was about 12 days; therefore, it is the difference between 12 days and seven days and 20 ½ hours; it is about a third more.

1494. At what rate do periodicals and parcels go by the dauk banga?—By the dauk banga the parcels go, and it does not signify whether they are periodicals or what they are, if they go in the banga they go by the weight.

1495. If persons in Bengal wish to embark to England by Bombay, what route would they be likely to proceed?—If they wish to embark in steamers?

1495*. Yes, by Bombay.—They would be compelled, I should imagine, to go round by sea from any part of Bengal.

1496. And do you know about what is the length of passage?—There is a table in this book which gives the probable length of passage all the year, but I never had anything to do with that department at all.

1497. I suppose you know when the monsoon is unfavourable?—It occupies a very much longer time than I should suppose it would occupy; 60 or 70 days in the most unfavourable periods of the year.

1498. In short, very few persons from Bengal would avail themselves of that communication?—In the most unfavourable periods of the year I should think very few.

1499. Also at other seasons?—At other seasons. I have known some few people go round that way to join the steamers in their present imperfect state, and therefore probably more might go if they were more perfect, but I cannot imagine it would become a general route at all.

1500. If a communication by steam vessels from England to Calcutta could be effected in about two months, do you think the great mass of correspondence would take that channel?—I certainly think that the greater portion of private correspondence would take that channel if it could be secured under that supposition.

Hon. *John Elliott.*

6 July 1837.

1501. Now, what rate of postage on single and double letters by that communication would you recommend so as to insure its general adoption?—I think the rate that was adopted by the Court of Directors a very fair rate; it is a very low rate, I think, and taking it as a matter for the accommodation of the public and not as a matter of revenue, I should say it is a very fair rate. I have made a memorandum of that rate from the order which came out at the time I was there. The Court's order of the 23d of February 1835, directed that letters weighing a quarter of an ounce were to be charged at half a rupee; that is the steam postage on the Bengal side, not of course the whole way to England. Letters weighing a quarter of an ounce, which are termed single letters, half a rupee; above a quarter, and not exceeding half an ounce, one rupee; half an ounce, and not exceeding three quarters, one rupee and a half; and three quarters of an ounce, and not exceeding an ounce, two rupees, and so on, a rupee being charged for every additional half ounce. Single newspapers, in covers open at the ends, to be charged the lowest rate, namely, half a rupee. The only objection to this arrangement was that it was made in ounces, which was a weight not known in the country; it was impossible to put it in force in the form in which it came, it was therefore converted into sicca weights as nearly that rate as possible.

1502. What proportion would you say of the whole correspondence would go by this route from Bengal, supposing it were secure for two months?—I should think more than half in number of letters, much more than half, but in point of weight, I should not think there would be perhaps quite half, because the heavy letters would be comparatively so heavily charged, that I do not think they would go by that route, and there must be always a number of letters go by sea, because they are connected either with persons or things going in the ships.

1503. Can you give any estimate of the probable return of the number of letters so sent?—I can give no account of the number; I have no recollection of it, and have no means of getting at it here.

1504. Mr. *Mullins.*] Is it your opinion that the number of letters at present calculated to be sent annually would be very greatly increased by the quicker communication between this country and India?—In my opinion, the more you can improve the communication the greater the number of letters there will be; in all post-offices improved communication is the first step towards increasing postage.

1505. *Chairman.*] I believe the posts throughout the province of the Bengal presidency were accelerated during the time you were postmaster-general?—They were.

1506. Have you any table to show in what degree they were accelerated?—This paper will show to what degree they have been accelerated on the principal roads from the presidency.

[*The Witness delivered in the same, which was read, as follows:*]

MEMORANDUM

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(A.)

MEMORANDUM showing the shortest Time hitherto occupied by any one Dauk between the following Places, in March, April and May 1835.

Hon. *John Elliott*.

6 July 1837.

	HOURS OCCUPIED.			RATE OF TRAVELLING.		
		D.	H.	M.	F.	P.
Calcutta to Patnah	78 hours occupied, or	3	6	4	5	30
Calcutta to Benares	82 — or	3	10	5	1	3
Calcutta to Gorrockpore	99 — or	4	3	5	1	38
Calcutta to Cawnpore	126 — or	5	5	4	7	19
Calcutta to Delhie	173 — or	7	5	5	1	0
Calcutta to Kurnaul	188 — or	7	20	5	1	18
Calcutta to Meerut	175 — or	7	7	5	0	32 ¾
Calcutta to Lucknow	122 — or	5	2	5	0	10 ½
Calcutta to Jubbulpore	169 — or	7	1	4	1	32 ¾
Calcutta to Berhampore	21 ½ — or	0	21 ½	5	6	5 ¾
Calcutta to Bhaugulpore	49 — or	2	1	5	5	2 ½
Calcutta to Dinagepore	48 — or	2	0	5	3	20
Calcutta to Rungpore	58 — or	2	10	5	2	30
Calcutta to Dacca	39 ½ — or	1	15 ½	4	6	27
Calcutta to Chittagong	73 — or	3	1	4	5	14 ¾
Calcutta to Midnapore	12 — or	0	12	5	6	0
Calcutta to Sumbulpore	84 — or	3	12	4	1	5 ¾
Calcutta to Nagpore	146 — or	6	2	4	7	11 ½
Calcutta to Aurungabad	209 — or	8	17	4	7	20
Calcutta to Bombay	267 — or	11	3	4	6	10 ½
Calcutta to Balasore	25 — or	1	1	5	2	35
Calcutta to Cuttack	40 ½ — or	1	16 ½	5	7	24
Calcutta to Gangam	70 — or	2	22	4	7	36 ½
Calcutta to Madras	240 — or	10	0	4	3	8 ½

COMPARATIVE STATEMENT of the Average Time occupied in the Transit of M

	Distance.	1828: TRAVELLED DURING THE MONTH OF MARCH.				1835: - TRAVELLED DU	
		Number of Miles travelled during the Month.	Number of Hours occupied during the Month.	Average Number of Hours occupied by each Dauk.	Average Rate per Hour.	Number of Miles travelled during the Month.	Numb Hou occupied the Mo
					M. F. P.		
From Calcutta to Patnah -	368	11,408	3,968	128 ½	2 7 0	11,408	2,59
From Calcutta to Benares -	421	13,051	4,384 ¾	141 ½	2 7 5 ½	13,051	2,88
From Calcutta to Gorrockpore	516	15,996	5,314	171 ½	3 0 0	15,996	3,35
From Calcutta to Cawnpore -	622	19,282	6,414 ¼	206 ¾	3 0 3 ¼	19,282	4,18
From Calcutta to Delhie -	887	27,497	9,079	292 ¾	3 0 9 ¾	27,497	5,83
From Calcutta to Kurnaul -	974	30,194	9,672	312	3 1 0	30,194	6,42
From Calcutta to Meerut -	893	27,683	8,567	276 ¼	3 1 32 ½	27,683	5,84
From Calcutta to Lucknow -	614	19,034	6,114 ¾	197 ¼	3 0 35 ¾	19,034	4,04
From Calcutta to Subbulpore	714 ½	22,149 ½	7,537	243	2 7 21 ¾	22,149 ½	5,80
From Calcutta to Berhampore	124	3,844	1,167 ½	37 ½	3 2 18	3,844	724
From Calcutta to Bhaugulpore	276	8,556	2,672	86 ¼	3 1 24	8,556	1,993
From Calcutta to Dinagepore	261	8,091	2,799 ½	90 ¼	2 7 5 ¼	8,091	2,040
From Calcutta to Rungpore -	310	9,610	3,162	102	3 0 12 ½	9,610	1,944
From Calcutta to Dacca -	191	6,169	1,762 ¼	57	3 2 31 ¼	6,169	1,304
From Calcutta to Chittagong	341	10,571	3,255	105	3 2 0	10,571	2,498
From Calcutta to Midnapore	69	2,139	1,128	36 ½	2 0 19 ¾	2,139	415
From Calcutta to Sumbulpore	348	10,788	3,366	108 ½	3 1 25 ½	10,788	2,744
From Calcutta to Nagpore -	717	22,227	7,161	231	3 0 33 ¼	22,227	5,041
From Calcutta to Aurungabad	1,032	31,992	10,416	336	3 0 22 ¾	31,992	7,231
From Calcutta to Bombay -	1,277	39,587	12,097 ¼	390 ¼	3 2 7	39,587	8,856
From Calcutta to Balasore -	134	4,154	1,477	47 ¾	2 6 18	4,154	814
From Calcutta to Cuttack -	241	7,533	2,232	72	3 2 32	7,533	1,476
From Calcutta to Ganjam -	349 ¼	10,826 ¾	3,427 ¾	110 ½	3 1 11 ½	10,826 ¾	2,288
From Calcutta to Madras -	1,056 ½	32,741 ½	8,662	279 ½	3 6 9	32,741 ½	7,721

from *Calcutta* to the undermentioned Places, for the Month of March 1828 and 1835.

- - - 1835: THE MONTH OF MARCH.											
Average Number of Hours occupied by each Dauk.	Average Rate per Hour.			TIME GAINED.							REMARKS.
	M.	F.	P.				M.	F.	P.		
83 ¾	4	3	8	44 ⅝ hours,	or		1	4	8	per hour	The time stated in the preceding columns includes all stoppages, whether at post-offices or in the roads, and being calculated on both upward and downward mails, shows a less favourable rate of travelling than has actually been accomplished, owing to some of the downward mails (such, for instance, as that from Delhie) being detained at the junction points on the great line of road.
93 ¼	4	4	4 ¾	48 ¼ —	or		1	4	39 ¼	—	
108 ¼	4	6	5 ¼	63 —	or		1	6	5 ¾	—	
134 ½	4	5	6	72 ¼ —	or		1	5	2 ¾	—	
188 ½	4	5	25 ½	104 ¼ —	or		1	5	15 ¾	—	The average includes the time lost in the downward mails at Koorjah, in consequence of the necessity of the Delhie mails arriving at the Chowkie before the Meerut mails come down, or in consequence of the Meerut mails having passed Koorjah before the arrival of the Delhie and Kurnaul dauk, as sometimes happens.
207 ¼	4	5	28	104 ¾ —	or		1	4	28	—	
188 ½	4	5	35 ¾	87 ¾ —	or		1	4	3 ¾	—	
130 ½	4	5	25 ¾	66 ¾ —	or		1	4	30	—	Subject to delay of some hours at Benares to join the mail on the great line towards the presidency.
187 ¼	3	6	22 ¾	55 ¾ —	or		0	7	1	—	
23 ½	5	2	8 ½	14 —	or		1	7	30 ½	—	This average includes the time lost in Hoogly in anticipation of the Burdwan mail, frequently three or four hours on each dauk.
54 ¼	5	0	30	32 —	or		1	7	6	—	
65 ¾	4	0	0	24 ½ —	or		1	0	34 ¾	—	Downward mails sometimes detained at Berhampore, in expectation of that from Bhaugulpore and Purveah.
62 ¾	4	7	21	39 ¼ —	or		1	7	8 ½	—	
42	4	4	—	15 —	or		1	1	8 ¾	—	
80 ¾	4	1	31	24 ¼ —	or		0	7	31	—	
13 ½	5	0	36	23 —	or		3	0	16 ¼	—	
88 ½	3	7	18 ¼	20 —	or		0	5	32 ¾	—	These mails were on this month detained several hours at Midnapore, as they reached that station at an hour where nothing would have been gained by forwarding them to the presidency, as they would have arrived in the night; and at Poonah they were in like manner, for the same cause, detained about ten hours daily. A small portion of the improvement in this line has taken place under the Bombay presidency, by the introduction of a wheeled conveyance between Poonah and Bombay.
162 ¼	4	3	14	68 ¾ —	or		1	2	21	—	
233 ¼	4	3	15 ½	102 ¾ —	or		1	2	32 ¾	—	
285 ¾	4	3	19 ½	104 ½ —	or		1	1	12 ⅘	—	
26 ¼	5	0	33 ½	21 ½ —	or		2	2	15 ½	—	
47 ½	5	0	23 ½	24 ½ —	or		1	5	31 ½	—	
73 ¾	4	5	36 ½	36 ¾ —	or		1	4	25	—	*N. B.*—The entry opposite Ganjam will show that 36 ¾ hours have been gained in the first 349 ¼ miles of this road, consequently Madras has lost 5 ¾ hours since 1828.
249	4	2	0	30 ½ —	or		0	3	31	—	

Hon. *John Elliott.*

6 July 1837.

1507. Mr. *Mullins.*] Is it your opinion that the number of passengers between this country and India will be materially increased by the establishment of a communication by the Mediterranean?—That is a sort of opinion which is perfectly applicable to all other countries; we know whenever additional facility is given there is an increased number of passengers, and that no doubt would operate towards India as it would towards all other countries; many people are now deterred by the very great inconvenience and the very great length of passage and the sufferings of a long voyage, and no doubt the number would be increased if they could make them in an easier and more comfortable manner.

1508. You think the increased comforts that such passengers would be likely to have in a steam vessel would induce them to pay a larger sum for their passage than they have been previously in the habit of doing by the Cape?—I do not know whether that would operate very largely; I think if it were a much higher rate it would operate very much to check the people from going by it.

1509. Taking the passage money by the shorter route to be 150*l.*, while that by the Cape is 120*l.*, do you suppose that the greater advantages on the one route or the other would encourage them to give the larger sum and still create an increase of passengers?—No; I do not think it would operate very materially to decrease the number of passengers, that increase of rate.

1510. Have you considered the question of passage money?—I have not, more than having to pay a good deal of it in the course of my life.

1511. Do you think that the rate charged by the Cape of Good Hope would be a fair rate to charge on the shorter passage by steam vessels?—Upon my word I am totally incapable of forming an opinion upon that; I do not know upon what ground you regulate the thing at all.

1512. When did you leave India?—On the 10th January 1836.

1513. At that period what were the ordinary rates of passage money by the Cape of Good Hope?—That varies so entirely with the cabins, that I cannot say.

1514. *Chairman.*] State from the highest to the lowest?—I ought to be able to tell, but I really am afraid I cannot; they vary very much in different ships; they vary most exceedingly in different ships; the larger class ships charge twice as much as the smaller class ships, and they vary again very much by the reputation of the captains, and so on, that I cannot say.

1515. Mr. *Mullins.*] In your estimate of letters have you taken into consideration any increase of correspondence likely to arise from the greater facilities of communication?—What estimate of letters?

1516. The estimate that you have just given in your answer?—I was asked what proportion I thought would go; it does not signify if there are a lac of letters or 10 lacs; I supposed that half would perhaps go in that way.

1517. Are you aware of the rates of postage as specified in the proposed new arrangement?—Yes, I am; they are similar to the ones I before enumerated.

1518. Is it your opinion that a land communication between Bombay and Calcutta or Bombay and Madras could be made safely for the conveyance of passengers generally?—I do not think in the present state of the country it could; certainly not for passengers generally,

1519. You therefore think it would be an advantage of great importance that there should be a communication established between the different ports or presidencies of India, so that passengers should not have to pass by land and suffer that inconvenience which they do at present?—I think it would be a very great individual accommodation, a very great accommodation to the public generally in the way of getting from one country to the other.

1520. I think you stated, in an answer to a former question, that accidents have sometimes occurred to the mails in their conveyance?—Yes.

1521. Do you know whether that has been the case on many occasions?—With regard to the tigers, I stated before I had known four or five men killed by the tigers.

1522. With regard to accidents occurring from other causes, in rains are you not aware that the mails have been sometimes seriously damaged?—I do not think more so than on other roads; I really do not think over the whole country, the last rains I was there, there were half a dozen wet wallets.

Dr. *Dionysius Lardner*, called in; and Examined.

Dr. *D. Lardner.*

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1523. Mr. *Mullins.*] I BELIEVE you have devoted yourself to scientific pursuits for many years, and particularly to those branches connected with steam?—Yes, I have been a good deal employed in that way.

1524. You have considered also the question of steam communication with India in its various bearings?—Yes; I have been a good deal engaged in the consideration of it, first, as a subject of general statistical and mechanical inquiry, and I was subsequently expressly engaged in it by persons who are interested in having the question sifted in all its bearings, at whose suggestion and by whose wish this pamphlet has been prepared [*producing a pamphlet*].

1525. You have, in this pamphlet of yours, given your opinion as to the number and the sizes, the tonnage and steam power of the vessels, that should be employed between Alexandria and India?—Yes.

1526. Perhaps you will have the goodness to repeat that opinion, in order that we may have the advantage of it in evidence?—I take it that to establish a line of communication between Egypt and India, which could be carried on with certainty and regularity, and which would meet the difficulties which necessarily must arise from the distance, from the absence of mechanical skill, and from the peculiar phyiscal and geographical circumstances connected with the route, such as the monsoons, they ought to be vessels of the most efficient and powerful description; and I have therefore proceeded upon the supposition, that mere economy as to expense was a matter altogether of secondary consideration; with those views, I would recommend vessels of about 1,000 tons burthen and 250-horse power, and that the whole establishment on the eastern side of Egypt be of one perfectly uniform character, every vessel to be a counterpart of the others, so that every spar, and every part of the vessel, both nautical and mechanical, could be interchanged one vessel for another; the vessels, in fact, should be exact duplicates of each other. Then I would recommend the voyage to be divided into stages, and each stage to be worked by a separate vessel. For reasons that it would be very easy to explain, connected with the nature of the application of steam to nautical purposes, it is found that steam-engines applied to navigation require to be cleaned, adjusted and examined at moderate intervals of time; if you do not do so the engine will not continue to work with advantage; it will get lamed, crippled and inefficient; that is one circumstance which puts a limit to the length of the stages of the steamers; another is this, that if your stage be long you must carry so enormous a quantity of fuel that all the valuable tonnage of your vessel will be occupied in that way; for these, and many other reasons, which perhaps it would be tedious to detail to the Committee, connected with the mechanical part of the vessel, after all the consideration I have been able to give it, I should recommend the voyage from Calcutta as a starting point to be resolved into stages in this manner: the first vessel leaving Calcutta, and touching at Madras, would go to Point de Galle, or whatever harbour might be selected in Ceylon; Point de Galle is the best; then that vessel should stop, and the passengers and the despatches, and whatever cargo there might be, should be transferred to another vessel; that vessel would go to Socotra; and I would advise a station of refuge to be established at the head of the Maldives; then another vessel should communicate between Socotra and Bombay, so that that steamer would meet the Ceylon steamer at Socotra, Socotra being a common rendezvous. Then between Socotra and Suez it might be advisable to have an intermediate station; and the best, as far as I have been able to ascertain, which can be selected, all circumstances considered, would be the island of Camaran. This occupies a position very nearly midway between Socotra and Suez, and it has what, in my opinion, is an advantage of very great moment indeed: it is insular, and it is furnished with one of the very best harbours in the Red Sea. The harbour lies on the inner side of the island, next the main land; you can approach it in ships of almost any burthen; there is no bar nor obstruction across the strait or passage to prevent you, and ships of any magnitude that can be wanted will lie within three or four yards of the shore. Then from Camaran to Suez is a practicable distance, of about 1,000 miles, touching at Cosseir; thus the steamer that leaves Socotra I would have stop at Camaran, and I would have another steamer plying between Camaran and Suez, so that there would be separate steamers for each station; that is five distinct lines or runs of separate steamers.

Dr. *D. Lardner.*

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[*Paper delivered in by Witness.*]

(A.)

	Distance.	Coal.	Time.
	Miles.	*Tons.*	*Days.*
First Steamer: Calcutta to Madras	765	88	4
First Steamer: Madras to Ceylon	530	62	3
Second Steamer: Ceylon to Socotra	1,660	192	8 ½
Third Steamer: (Bombay Branch) Bombay to Socotra	1,210	140	6
Fourth Steamer: Socotra to Camaran	790	92	4
Fifth Steamer: Camaran to Suez	1,065	124	6
Delay at the Stations	—	—	5
Time from Calcutta to Suez	—	—	30 ½
— Madras to Suez	—	—	25 ½
— Bombay to Suez	—	—	19
— Ceylon to Suez	—	—	21 ½

The above are what may be considered as the probable average times of the trips, except during the south-west monsoon, when the homeward trips will be longer and the outward shorter.

1527. *Chairman.*] How many would you have for each station?—One would be sufficient for the regular work; there would be an abundance of rest for each.

1528. What would be the total establishment of steamers for those different stages?—I should think that six or seven would be an abundance; for the whole of the eastern side five would keep up regular work, and then you would have one or two spare steamers; I mean that for the regular work, from month to month, one steamer would be sufficient for each stage, but in the event of accidents you should have a spare one or two to take the place of any of those that were damaged; not that even that would be necessary, if it were thought a matter of great economy; for example, suppose that the steamer between Camaran and Suez met with an accident the steamer from Socotra could go on to Suez; still it would be prudent to have one or two spare vessels to lay on when occasion might require.

1529. Mr. *Mullins.*] You are aware that great impediments are presented in a direct passage from Bombay to Socotra in certain months of the year?—Yes.

1530. Then, looking to the impediments so offering themselves at certain periods of the year, is it your opinion that a vessel of the size you have already stated would be the best to cope with the monsoon?—Decidedly; it is the physical impediment of the south-west monsoon which mainly induces me to recommend vessels of that large tonnage and power.

1531. It has been already stated in evidence, that vessels of about 650 tons, with a proportionate horse power, would be considered quite powerful enough for any obstruction that might arise from the south-west monsoon, and would answer every purpose that a larger vessel could be expected to answer. Why is it that you suppose that a vessel so much larger would be superior in many respects to the smaller ones?—Because from the experience I have had already of steam vessels, I have found that those vessels of inferior tonnage are not equal to the larger vessels. I can show the Committee the result of an examination I have made of a number of vessels, chiefly Government steamers, and I find that the smaller vessels, although they are equally well constructed in their machinery, and have no defect about them that I can discover, but merely their small size, are not able to cope with adverse weather in any degree approaching to the larger class.

1532. Do you speak now of such vessels as the Atalanta and Berenice, which have been already fitted for that station?—I do; I have had the experience of several vessels quite equal to them, and I should say perhaps even in some respects superior to them in details; I have examined with great care the performances of nine of the Government steamers, differing from each other in various particulars, and I find that the most efficient of these is the Medea, a steamer of 800 tons burthen and 220-horse power. Now, I have examined these with

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with very great care, and, if the Committee will allow me, I will put in the result of the inquiry I have made. The way I have considered the question is this: the efficiency of a steamer is best determined by the actual quantity of coal per horse power which she will consume in going over a given distance; I do not care about the time; it is a matter of no importance whether she goes fast or slow; the question is, how much coals will carry her 1,000 miles, or how many thousand miles a given weight of coals will carry her; that I call the *locomotive duty;* I have found it so useful, that like every notion introduced into general inquiry, you must have a name for it, and I have called it the *locomotive duty* of coals; by the locomotive duty then, I wish to be understood to mean the number of miles over which one ton of coals per horse power is capable of transporting a vessel. I have examined the performances of a number of these vessels, which I will now put in.

[*The same was put in and read, and is as follows:*]

(B.)

NAME.	Tonnage.	Length.	Breadth.	Power.	Diameter of Cylinder.	Length of Stroke.	Construction of Wheels.	Diameter of Wheels.
		Ft. in.	*Ft. in.*		*Inches.*	*Ft. in.*		*Ft. in.*
African - - -	246	110 0	24 11	90	38	3 6	common -	13 6
Blazer - - -	410	145 0	28 5	100	44 ¼	3 6	feathering -	17 4
Confiance - - -	246	111 0	24 10	100	40 ¼	4 0	- ditto -	18 0
Dee - - -	639	166 0	30 4	200	53 ⅜	5 6	common -	20 0
Firefly - - -	473	155 0	27 9	140	44 ½	4 6	- ditto -	18 6
Flamer - - -	414	155 0	26 5	120	42	4 0	feathering -	17 4
Medea - - -	807	179 0	31 11	220	55 ½	5 0	- ditto -	24 6
Pluto - - -	295	135 0	24 2	100	39 ½	3 6	- ditto -	16 6
Tartarus - - -	410	145 0	28 5	100	39 ½	3 6	- ditto -	17 8
Dolphin - - -	340	- -	- -	160	48 ½	4 6	common -	18 10
Pr. Steamer (A) -	660	- -	- -	220	56	5 0	- ditto -	22 0

NAME.	Miles.	Hours.	Pounds.	Power.	Rate.	Lbs. per horse power per hour.	Locomotive Duty, Miles.	Observations.
African - -	19,996	3,894	3,834,544	90	5.13	10.94	1.054	Government Mediterranean steamers.
Blazer - -	10,340	1,645	1,693,020	100	6.28	10.2	1.500	
Confiance -	14,130	2,279	2,261,196	100	6.20	9.9	1.389	
Firefly - -	14,180	2,206	3,110,688	140	6.246	10.7	1.308	
Medea - -	9,240	1,176	2,153,508	220	7.8	8.3	2.105	
Pluto - -	6,360	986	954,240	100	6.45	9.67	1.501	
Tartarus - -	5,060	914	976,500	100	5.55	10.68	1.151	
Dee - -	7,539	1,161	1,933,092	200	6 49	8.3	1.754	Government West Indian steamers.
Flamer - -	4,697	780	1,000,272	120	6.0	10.7	1.256	
Dolphin - -	55,750	- -	- -	- -	9 ¾	12.0	1.820	Post-office steamer.
	22,400	- -	- -	- -	7.7	12.5	1.379	Scotch steamer.

The result of these inquiries is a very distinct and decided opinion indeed in favour of vessels of large tonnage with a certain proportion of power. I should observe, it is not merely these results, but a good deal of other information, which I could not very well reduce to a numerical form, but of a general kind, obtained from the performance of the Scottish steamers, and of commercial steamers in various other parts of our channels, and the invariable result of all these inquiries and all this information converges to the one point, to favour vessels of large tonnage, with a proportion of about one to four of their horse power of their tonnage.

1533. *Chairman.*] It has been already stated that the proportion of one to three

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three was the proper proportion; why do you prefer one to four?—The proportion of power to tonnage must be entirely determined by the voyage which the vessel has to perform without a relay of coals. In short trips the best proportion is that of one to two. One of the most efficient steam ships which has ever been constructed is one which has recently been placed upon the station between London and Hull, which is a vessel of 800 tons burthen and 400-horse power. Another instance of the same proportion used with success is the Post-office steamer called the Dolphin, which has attained a greater average speed than any other steamer with which I am acquainted.

1534. Mr. *Mullins.*] State between what places she plies?—Dublin and Holyhead. But it is obvious that if a long trip be contemplated, of the spare tonnage of the vessel a larger portion must be given to the fuel and a lesser portion to the machinery, consequently the proportion of the power to the tonnage must be less than in shorter trips. The proportion may vary from one to two, or say from one horse to two tons, to from one horse to five tons, according to the length of the trip. The state of weather to be encountered is also in some cases to be considered: when very adverse weather, such as the south-west monsoon or the westerly gales of the Atlantic are to be encountered, we cannot prudently venture a very small proportion of power, and I would not under such circumstances ever advise a less proportion of power than one horse to four tons.

1535. Is it your opinion that that would be the best proportion that could be adopted under such circumstances?—I am distinctly of that opinion.

1536. *Chairman.*] You are of opinion that that proportion would be sufficient?—Amply.

1537. Mr. *Mullins.*] Do you take into consideration the vessel making headway going directly against the wind in the south-west monsoon?—No; a steam ship never would do it; a steam ship should tack just like a sailing vessel, taking wind on her beam, and steal along in that way, and take advantage of the lulls. The south-west monsoon, as his Lordship is aware, is not a wind that blows everlastingly with unabating and unaltering force; it is liable to lulls, and to variations of intensity. In the south-west monsoon, when most violent, the vessel would lie-to, and when it mitigates she would tack more or less, according to the force of the wind, and during the lull would go with her head fair for her course, and would get on in that way. But, putting profit and expediency and everything of that sort out of the question, as to the mere abstract practicability of a steam ship such as I have described making Socotra from Bombay in the south-west monsoon, I would put it in this way: I have ascertained by the calculations which I have put in, that a vessel of the kind I have described is capable of being transported 2,100 miles by a ton of coals per horse power in average weather. It is easily shown that a vessel of that kind, allowing a fair proportion of space for passengers and everything else, is capable of carrying a ton and a half of coals for each horse power; consequently, she is able to carry coals that would propel her, in average weather, 3,000 miles, or 3,200 miles; she starts, then, from Bombay with power in her, under average circumstances, sufficient for 3,200 miles, with 1,200 miles before her. If, therefore, the adverse circumstances of the monsoon be admitted to be such as to obstruct her, compared with average weather, in the proportion of 32 to 12, she still has that in her which will enable her to reach Socotra.

But another expedient presents itself: let us suppose—though I do not admit it—but let us suppose that it was found, after a fair trial, inexpedient to make the passage direct from Bombay to Socotra against the monsoon, still this could be accomplished; the steamer could make the head of the Maldives from Bombay; *that* she could do most unquestionably; the distance is quite within what I have proved steamers to be capable of; she would be sufficiently oblique to the monsoon to do it. At the Maldives she would meet the Ceylon steamer, and from the Maldives the monsoon would not be so directly against the vessel that she might not go to Socotra. Or she might go from Bombay to Point de Galle during the monsoon; there would be no difficulty in that; and then starting from Point de Galle there would be no difficulty in making Socotra during the south-west monsoon, because they have only to go a little south and they can soon convert the monsoon into a favourable wind; they could in this manner go a great part of the trip without steam at all.

1538. Assuming

1538. Assuming a vessel leaving Bombay for Socotra to make her southings and tacks in the way you mentioned, at what rate do you estimate her progress in average weather?—Such a vessel as I describe will, in average weather, fully accomplish eight knots an hour, and I suppose that under such circumstances it would not be too much to say that that would be reduced to something under five; five would not be an unfair estimate, or four and a half against the monsoon. Dr. *D. Lardner.* 6 July 1837.

1539. Against the south-west monsoon?—Yes, four and a half.

Veneris, 7° die Julii, 1837.

MEMBERS PRESENT.

Lord William Bentinck.	Mr. Mullins.
Mr. Gordon.	Mr. Young.
Mr. Hutt.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

Dr. *Dionysius Lardner*, called in; and further Examined.

1540. Dr. *Lardner.*] I WISH to explain more explicitly a question of some importance that was put to me yesterday, as to the best proportion between the power and the tonnage of steamers. The best proportion between the power and the tonnage of steam ships will depend altogether on the length of the voyage; the space devoted to the propelling power is necessarily limited, and is distributed between the machinery and the fuel. The more powerful the machinery the better. But as there must be fuel to carry the vessel through her whole trip, the space occupied by the machinery will be proportionally limited. Therefore, the longer the voyage the less proportion must the power of the machinery bear to the tonnage of the vessel. If physical obstacles, such as the monsoon in the eastern seas, or the western gales of the Atlantic, are to be encountered, there must, on the other hand, be power sufficient to enable the vessel to make way against them. Therefore, we are on the one hand limited in power by the length of the voyage, and on the other hand we are compelled to provide power sufficient to encounter those obstacles. In the shortest class of trips, such as the Channel trips, round these coasts, a proportion of one to two is the best. In the longer class of trips, such as trips extending from 600 to 1,000 miles, a power of one to three may be used, and in the longest class of ocean voyages, such as those between India and the Red Sea, or between Europe and America, the proportion should be one to four, or one to five, in order to leave sufficient room in the vessel for the fuel necessary to propel her through her whole trip. Dr. *D. Lardner.* 7 July 1 1837.

1541. *Chairman.*] How far would the speed be affected by these proportions?—The speed would be affected by them of course; the more powerful the machinery is, or to speak more correctly, the greater proportion the power bears to the tonnage, the greater will be the speed, but the consumption of fuel will be nearly the same, that is to say, a ton of coals will carry the vessel nearly the same distance, whether you have very powerful machinery or machinery of less power. The difference will merely be that the ton of coals carries her faster in the one case and slower in the other.

1542. I wish to know the degrees of speed of these different proportions?—I can give it the Committee approximately.

1543. Let us suppose a 1,000 ton vessel?—A 1,000 ton vessel provided with engines 500-horse power, which would be what I would adopt for a vessel between this and Hull, constructed with the very best machinery, and the best possible model, would, I dare say, go above 10 knots an hour.

1544. Let us take it at 800 and 400?—That vessel, in average weather, will certainly accomplish from 10 to 10½ knots an hour; but reduce that to 800 tons burthen, and 250-horse power, the speed will probably be reduced to eight or eight and a half knots, and reduce it then to 200-horse power, from seven and a half to eight knots. That is the lowest. A vessel with one-horse power to four tons you may reckon in average weather doing very nearly eight knots.

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knots. It is better, however, to give the fact upon which that may be proved; the Medea, which is the vessel I mentioned to your Lordship yesterday, is a vessel of 800 tons burthen and 220-horse power; she is fitted with excellent machinery, and is a beautiful model, and I have taken the performance of that vessel for nearly 10,000 miles, and her average rate for 10,000 miles was seven knots and eight-tenths.

1545. Do you know what was the maximum and minimum of her speed?—I do not bear it in recollection now, but I could tell by reference to my papers.

1546. Mr. *Mullins.*] Have you any further remarks to make on the subject you were upon?—I do not recollect that I have.

1547. The Committee are anxious to ascertain more fully why it is that you prefer a vessel of 1,000 tons, and a proportionate horse power, to vessels of the size of the Atalanta, or the Berenice?—From an extensive examination of the performance of steamers of various amounts of tonnage and power, I have found invariably that the vessels of the larger tonnage are more efficient in rough weather than the smaller vessels; and that that efficiency which they have in rough weather affects their average performance in a very sensible degree.

1548. Taking a vessel of the size of the Atalanta or the Berenice, which is from 600 to 660 tons, and a horse power of from 200 to 230 tons, how many tons will there be for the conveyance of a cargo in such a vessel, over and above the necessary supply of fuel which such a vessel should take for so long a voyage as one between Point de Galle and Socotra, in the south-west monsoon?—I do not think that vessel could carry any cargo at all, supposing her to steam it the entire way in the south-west monsoon; such a vessel as you have described, taking her from Point de Galle; a vessel so small as that, with such a large proportion of power.

1549. Is that your decided opinion, after the consideration that you have given to the comparative powers of steam vessels?—Yes, that is my decided opinion; it is not a vessel that I would recommend to be used. I think that vessel would consume more coals in proportion to her power and tonnage than a vessel of a proper tonnage would do, and she would be more inefficient, she would make less way, and she would be less useful, both for passengers and cargo.

1550. Then if such is your opinion as to the passage between Point de Galle and Socotra, it must be still stronger in the case of the passage between Bombay and Socotra?—Between Bombay and Socotra my opinion is, that that vessel, in most cases of the monsoon, could not go at all, could not make the direct passage steaming.

1551. Not if she were to tack or to make southings?—Then she would be converted, in fact, into a sailing vessel; if she were to carry that to any very great extent, she would do what a sailing vessel would do; she would run down the coast towards the Maldives until she would get the monsoon on her beam, and then she would make Socotra; she would be struggling against her own deficiency.

1552. So that your opinion is, that under such circumstances a steamer of that size would have no advantage over a sailing vessel?—A steamer of that size would not, in my opinion, have any great advantage over a sailing vessel under the circumstance of the monsoon.

1553. But if you take a vessel of the tonnage of from 800 to 1,000 tons, with proportionate power, it is your opinion that she is capable, under all circumstances, of effecting such a passage?—I think she would be capable under all circumstances. I believe I stated yesterday that there are states of the monsoon in which the vessel would be compelled to lie-to, she could not make way at all. There are other states of the monsoon in which she would run perhaps within six points of the wind, at others within three or four points of the wind, and then during the lulls she would make direct way. Now in proportion as you render a vessel less efficient by diminishing her amount of tonnage, you will limit her power of availing herself of these different means of encountering the physical difficulty, and you will cripple her and bring her down more and more to the level of a sailing vessel. There is an impression, that by giving the vessel a greater proportion of power than what I have stated, you can force her against a strong head wind, and perhaps that might influence persons who fix upon that proportion of 660 tons, and 230-horse power; but it

is found that you cannot do that. That if you had an unlimited power, and were to force her against the wind, she would thrust her head under the water, she would bury herself; you cannot in such cases avail yourself of the power; power becomes useless beyond a certain point. My decided opinion is, that one-fourth of her tonnage in power is as much power as can be usefully employed against the weather that you will encounter, quite as much.

1554. *Chairman.*] How do you reconcile that with the answer you gave to a former question, that one to two was the proper proportion?—Very easily. The cases where one to two is adopted is in short passages, where they are of course liable occasionally to weather like that; as for instance, between Dublin and Liverpool, that is the proportion of power that the best vessels adopt. Now every one is aware that the westerly gales to which that passage is subject are equal to, or exceed indeed, any monsoon occasionally. But in going against these they do not exert their full power; it is possible for them to have the power, but not to use it. The time they use their power is when the weather is in an ordinary and moderate state; they will then go on at the rate of from 10 to 11 knots an hour; but I have been in vessels on that passage when they did not make three miles an hour; the power in such a case becomes useless; they work the engine under its power; ease the engines, as they call it.

1555. She would be otherwise buried under the waves?—She would bury herself decidedly.

1556. Mr. *Mullins.*] But assuming the south-west monsoon to prevail for only a limited period, then should you, in the application of power to the vessel, think it advisable to look more to the prevalence of that south-west monsoon for a certain period of the year, than to the advantage you would gain from having an increased power during the other periods of the year?—I do not conceive that you would gain any material advantage, considering the length of the trips, by any increase of power that you could get beyond what I have stated, because the trip between Point de Galle and Socotra is one in which, under almost any circumstances, you could not profitably use more; you would require to have a proportion of power not exceeding what I have stated, even supposing the monsoon was not in question. The monsoon would not alter my estimate of the proportion of power to tonnage.

1557. Then, taking a vessel of the size you propose, with the proportion of power of one to four, what number of tons should you think would be spared for the cargo, over and above the quantity of fuel necessary to be taken for the longest stage?—I will take if you please the longest stage, from Point de Galle to Socotra, that distance is about 1,600 geographical miles; now a ton of coal per horse power, putting the monsoon out of the question, will carry the vessel about 2,200 miles, therefore about three quarters of a ton will carry the vessel between Point de Galle and Socotra. The vessel has 250-horse power, therefore it will take about 180 tons of coal for actual consumption in the distance; but you must allow for contingencies, and therefore you might add, say 10 per cent. for these, which would make 200 tons. The vessel, therefore, will be thus circumstanced: her machinery, 250-horse power, will occupy the tonnage of 250 tons, you have coals 200 tons, which may be taken in tonnage as ton for ton, a ton of coals occupying a ton of tonnage, and that will be 450 tons that will be occupied by the propelling power. The vessel measures 1,000, and therefore there would remain 550 tons of unoccupied space for all the rest; viz. the crew, stores, passengers and cargo. Now that will afford ample accommodation for about 100 first-class passengers, and afford a very considerable space for cargo, which is not of a very heavy description. It is a great mistake to suppose that you can, if you wished it, so fill a vessel with coals that she can hold nothing more, that she shall have no spare space; the fact is, that never can happen, and any one who says so, is ignorant of the real nature of the question. The limit which is imposed to the supplying coals to a steam ship, is not a limit of space, it is a limit of immersion; you can put in coals until the vessel gets such an immersion that the paddle-wheels will not work, you must stop as soon as the paddle-wheel gets immersed to the depth of about her lowest paddle, and after you have put all that quantity of coals in her, you have a vast quantity of space besides what passengers will occupy, a space that passengers cannot occupy, a space in the lower parts of the vessel, and in many parts where you would stow goods, which must not be of a very heavy description.

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tion. Every trip you would have a spare tonnage for light cargo; but heavy goods, such as quicksilver, would be objectionable, because if they sunk the vessel too deep, they could not manage it; but for any cargo of a light description, however bulky it might be, you would have a very considerable quantity of space.

1558. Can you form an idea as to the probable number of tons that might be spared for such a purpose, without too great an immersion of the vessel from the cause you allude to?—You see from the calculation I have given in, supposing that the measured tonnage of the vessel is its real tonnage, and it ought to be so, then there would be 550 tons for every thing, and the disposition of these would mainly depend on what you calculated would be most advantageous to appropriate to passengers and what for cargo.

1559. But with regard to the tons weight, can you give any opinion as to the number of tons that can be made available?—That ought to be very limited, because you must not immerse the paddles; and here I would beg to state, that in those vessels that have long trips to encounter, I would recommend that the coal-boxes should be tanked, and that the trim of the vessel should be maintained by replacing the coals by sea water.

1560. *Chairman.*] Would not that add to the weight at other times?—No, the weight would remain the same. You may charge the vessel with a certain quantity of coals, in proportion to the trip she has to encounter, and the vessel will go better by having her paddles properly immersed, than if they were less immersed.

1561. Mr. *Mullins.*] You have not yet stated what the number of tons weight would be, that you think a vessel taking the proportion of coals I have just stated, would be able to carry without too great immersion?—That would be matter of calculation, depending a great deal on the model and build of the vessel; you must not immerse the vessel deeper than her lowest paddle.

1562. What would be the comparative annual expense of a steam ship, such as you recommend, of 1,000 tons capacity and 250-horse power, and one of 660 tons and 230-horse power?—The power being very nearly the same, there would not be any difference worth consideration, either in the original cost or expense of maintaining the machinery. The establishment of engineers, stokers, and cost of everything connected with the mechanism of the vessel, would be the same; the annual consumption of fuel would be about eight per cent less; the establishment of the officers and crew would be the same; the establishment at the several stations and depôts would be the same; but in the smaller vessel the space which could be appropriated to passengers would be greatly lessened, and none would remain for cargo.

1563. What would be the sailing expense of the two on a voyage of 1,200 miles?—That will be matter of calculation; but if the Committee will permit me, I will give in a statement of it.

[*The Witness was requested to do so.*]

1564. What would be the difference of time in making the voyage?—I am sure that the larger vessel would do it in less average time; but in smooth water the smaller and more powerful vessel would be the fastest, *cæteris paribus.*

1565. Mr. *Mullins.*] Is it your opinion that the employment of large vessels would produce other advantages besides those you have enumerated; would not larger vessels create a greater facility of communication by obviating the necessity of taking in supplies of coal so frequently as in smaller vessels, and also the necessity of cleaning the boilers so frequently?—No, I think the boilers must be cleaned as frequently in the one as in the other; I do not see much advantage in that. The main advantages of the large class of vessels will be these: that they will be most efficient in rough weather, and therefore their average time affected by the rough weather will always be less; their passages will be more certain; they will accommodate a greater proportional quantity of passengers and cargo; the expense for the work they do will be considerably less; that if the intercourse be increased, as from increased facility we always find it is gradually increased, you have the means to meet that; but if you start with small vessels, and you suddenly find the number of passengers or goods, or whatever it may be, to increase upon you, you have no means of accommodating them, except by multiplying your vessels; and it is obvious that to do a given

a given quantity of traffic by a greater number of smaller vessels is far more expensive than to do the same quantity of traffic by a smaller number of greater vessels.

1566. Have you considered the fitness of the harbours of the Red Sea and Socotra?—Yes, I have very carefully examined those.

1567. You are aware that there are different harbours which have been recommended?—I am. It has been erroneously stated that the Red Sea is ill provided with harbours, in which steamers could lie on either coast: now here is an admirable chart, which has been made within a few years under the direction of the India Company, of the Red Sea, from the Straits of Babelmandel to Suez, and any person conversant with these things, who will take the trouble of examining it, will find that there is ample choice of places on either side, either for permanent stations or for places of refuge. Now here is the place which I have recommended as the intermediate station between Socotra and Suez; this is the Island of Camaran; the harbour lies inside here, and I understand it has been stated that a bar exists here; there is no such thing.

1568. Just state why you should recommend Camaran to any other station?—First, because it is insular; which is, I think, very important. The station there, the depôt, the coals, and everything that is necessary for the supply of the vessels, will be safe from the incursions of wild tribes that would infest any place on the main land, and it will be free from all causes of delay. When the Hugh Lindsay made her voyages, independent of any disturbance from the Arabs, they experienced very great delay from the local authorities; vexatious difficulties were thrown in their way about getting fuel and things of that sort, which would almost inevitably be the case if you had not a place under your own complete control. If then you had the Island of Camaran, and a hulk established there, containing the coals ready to supply the vessels, the steamers would come alongside the hulk, would take in her coals at once; the upper deck of the hulk might be fitted up as a workshop, with all tools necessary for the repair of the machinery, and with abundance of duplicates of those parts most likely to be deranged; such as parts of the paddle wheels and other things, so that when the vessel comes there she would be put to rights and receive her coals without any disturbance or delay. In the same way I would place one or more hulks of the same kind at Suez, with the same view, and at Socotra. The only disadvantage imputed to Socotra is the want of well-sheltered harbours; but there are two there, one of which is sheltered and safe in the north-east, and the other in the south-west monsoon, at different ends of the island.

1569. *Chairman.*] You have seen a statement of the present number of passengers that pass between England and India?—Yes; about 3,200 a-year.

1570. Do you think that that number will be increased by the establishment of a regular steam communication?—I have not the least doubt of it, and the ground on which I entertain no doubt of it is this, that in the history of human civilization, I do not believe there is one statistical law so free from exception as this, that in every instance where improved means of communication between centres of populations have been effected, whether the improvements consist in increased expedition or in increased economy, it has been invariably followed by a very large increase of intercourse; numerous examples may be given of this, though not of course applicable to distances so considerable as the present. In all the cases where we have seen railroads established, without a single exception, the intercourse has increased in an immense proportion. In some cases the increased economy has, no doubt, operated to a certain extent where the fare has been reduced one half, and the time has been diminished one half; there the increase has gone on in a four-fold or five-fold proportion. In the case between Liverpool and Manchester, where there were 400 persons per day before the railroad was established, there are now 1,600 per day. But as an instance where increased expedition only takes effect without diminished price, I may mention to you other railroads where the price has been actually increased; the price by the road before was less than it now is by the railroad, and notwithstanding that the road is deserted, and the railroad is used exclusively, the intercourse has increased in more than a four-fold proportion. Other instances might be mentioned, and very numerous ones, and upon all these grounds I entertain not the least doubt whatever, that if the line of steam communication be established between India

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and England, and that the time be reduced, as I am sure it may be, under two months between the Eastern presidencies and about six weeks between Bombay and England, I have no doubt at all that the intercourse will be increased in an immense proportion.

1571. Perhaps the case most analogous to that of India is Spain, where there is no great commercial or manufacturing population, where the natives are not habitually travellers; do you happen to know whether the intercourse has increased very much since the steam-boats have been established with the Peninsula?—Immensely, not only between Spain but between every part on the coast of Europe.

1572. Do you know in what proportion the intercourse has increased since the establishment of the Peninsula Steam Navigation Company?—I cannot give you an exact proportion, but I can take on me to say it has increased in more than a ten-fold proportion.

1573. What do you mean by ten-fold?—More than 10 times the number of persons go, and in some cases considerably more. I will give you an instance of a case where by the diminished price, independent of the increased expedition, an enormously increased intercourse took place. Last year there had been running between London and Boulogne steamers, the fare being I think a guinea and a half a head, and they had been for a considerable time plying in that way. There was an opposition established between two lines of steamers, and in order to ruin each other as they thought, they determined on reducing the fares to almost nothing, and they reduced them to 5 *s.* each line. The consequence was, that it was not a very uncommon thing for 800 and 1,000 persons a day to be landed at Boulogne. The steamers which began this opposition as a ruinous thing, with the intention of cutting each others throats, have continued it ever since as a source of profit, and they are still now 5 *s.* a head. It shows how little we know of statistical laws.

1574. Mr. *Mullins.*] Then it is your opinion that not only will there be an increased intercourse between this country and India, but that the far greater proportion of those who go from this country to India will avail themselves of the shorter route by the Red Sea in place of the present one?—I am convinced every one will go by it, and I feel assured that the fare may be reduced considerably below what they now contemplate, with profit.

1575. Have you considered that subject in reference to the fare that ought to be charged, making a due return to those persons who undertake the providing of the passengers?—Yes.

1576. Taking the whole fare between Calcutta and London at what you have stated it, what would be the proportional fares for the successive stages of the voyage?—I take for granted that no one would stop at Socotra. Some few trading with Arabia, might disembark at Camaran, or be dropped at other points on the coast. Short fares should of course be higher in proportion than long ones. If the whole fare from Calcutta to London be taken at 120 *l.*, the following fares would not be unfair for the stages.

	Days.	Fare.
	—	£.
Calcutta to Madras	4	10
Madras to Ceylon	3	8
Ceylon to Camaran or neighbouring parts of the Arabian coast	15	35
Camaran to Cosseir	4	10
Camaran to Suez	7	18
Calcutta to Cosseir	28 ½	65
Calcutta to Suez	30 ½	70
Alexandria to Gibraltar	19	22
Gibraltar to Falmouth	6	16
Alexandria to Falmouth	16	36

But I think it will probably be found to be more profitable to reduce all the fares below these rates.

1577. Can you give the charge for the whole distance without dividing it?—I am sure it could be done with a profit for first-class passengers at 100 *l.*, and for passengers with inferior accommodation, more closely crowded together in the vessel, for 60 *l.*, and that including their provision. Much depends on the space

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you allot in the vessel to the passengers and upon the accommodation they require. I understand the class of passengers who now run is generally wealthy, a people who want very luxurious accommodation; in that case you must charge of course a proportionably high fare; but I think 100 *l.* for the first class, and then intermediate sums for different accommodation, between that and 60 *l.* or 70 *l.*, would yield a considerable profit; I think it would yield more profit than 150 *l.*, by increasing the number that would go.

1578. Are you aware what the present charges are by the Cape of Good Hope?—They vary very much in different vessels; you can go in some vessels for so low as 90*l.*, I believe at 80 *l.* you can get out for, and others charge 120*l.*

1579. You mean for first-class passengers?—Yes, for first-class passengers 120*l.* is generally paid, I believe.

1580. It has been already stated in evidence that it would be impossible to accommodate the passengers comfortably in steam vessels by the Red Sea under from 150 *l.* to 200*l.*?—Well, that will entirely depend on the number of passengers who go; such a statement as that must be understood in a very qualified sense. If there be a sufficient number of passengers go, they will accommodate them for a great deal less; if few go, of course the expense of your enterprize must be shared among few, and therefore high prices must be charged; but I anticipate, from what I see of the actual numbers who now go round by the Cape, and from what I know of the facility that may be afforded them in the steam communication by the Red Sea, and from what I also know as to the general effects of expedition, it could be done for the sums I stated more profitably than if 200 *l.* were charged.

1581. Can you give any opinion as to the comparative amount of correspondence and mercantile intercourse between the different presidencies and this country?—Yes, I have got it here; I will give it in if you please. The number of letters conveyed between Britain and India at present, or within the last few years is at the rate of 309,000 annually; of these 54,000 communicate with Bombay, 12,500 with Ceylon, 71,000 with Madras, and 170,000 with Calcutta; so that out of the 309,000, Calcutta has 170,000, and Madras 70,000, that is 240,000 between the two. Then the passengers 3,200 annually, of whom 1,450 go to Calcutta, or between Calcutta and England; Madras 1,050, Ceylon 100, Bombay 600. The estimated gross commerce is nine millions, of which two millions and a half are to Bombay, one million to Madras, and five millions and a half to Calcutta. Now these may be taken to represent the exigency which those different presidencies have for the improved means of communication.

1582. Is it your opinion that many letters would be sent by the Cape of Good Hope, when once the other communication is established?—That of course will depend on the postage.

1583. Taking the postage at what you are aware it is, according to the Act of Parliament?—The impression I have is this: that a great part of the correspondence, all that part of the correspondence which is of a commercial nature, is of a nature to which expedition is so important, that almost any price would be paid for it; and that the difference of postage which is now proposed is such, that I think all that portion of correspondence would certainly go by the steam communication, and a large portion of correspondence of private families anxious to hear from their friends and relations, would likewise, at least of the respectable families, go by it. They would not consider the expense, it is quite evident; we have only to appeal to our feelings to know that. Of the letters which at present go free, which amount to 309,000, about 90,000 of those letters are for private soldiers; these most likely would go round about still, or go whichever way they could be carried cheapest; but there are 220,000 letters that pay postage now, and I think considerably more than half of these would certainly go by the steam communication, even at double their present postage.

1584. Is it your opinion that the commercial intercourse will be greatly increased between India and this country by the greater facility of communication?—Undoubtedly; it always is so. Facility stimulates commercial speculations, and it is well known in the commercial world, that nothing has clogged the spirit of enterprize more than the length of time which is now necessary to learn the state of the markets between the two countries.

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1585. Is it your opinion that means could be found of preventing any additional rates of insurance being charged in consequence of the necessity of transferring the cargoes from one vessel to another?—I do not apprehend that much danger will arise from that. The source of danger would most likely be the carrying across Egypt; for one steamer coming alongside another, and giving in the only kind of cargo which can be expected in this case, which is a cargo of light and valuable things; I do not think there would be any source of injury.

1586. You have devoted a good deal of your time to inquiries into the best machinery applicable to steam vessels for long voyages?—Yes.

1587. The Committee are anxious to ascertain what your opinion is with regard to the machinery which should be adopted in vessels intended for such voyages, in reference to the improvements lately effected?—The machinery to which the Committee have to direct their attention, consists of two parts, very distinct from each other, namely, the working machinery and the boilers. With respect to the working machinery, I have no other observation to make than this, that I would recommend it to be constructed by the very best makers in this country, of the highest reputation, such as Boulton & Watt, and Maudslay & Field, to insure its excellence; that I would recommend the engines to be constructed so as to work expansively, the valves to be made in the same manner that they are now being made for the vessel which is being built to work between Bristol and New York, the engines of which are in process of construction by Maudslay & Field. The valves of those cylinders are so constructed that the engineer can cut off the steam at any portion of the stroke he pleases; this is of very great consequence in a case like this, where the economy of fuel is a matter of importance, because in the monsoon for example, it will sometimes happen, when you are going with it, that you need not use steam at all, you will run with the monsoon in the outward passage very often without steam. Frequently it will happen that you will wish to work very much under your power, availing yourselves of the wind to a considerable extent, but helping out the wind by a certain portion of steam, the engine-man will then cut off the steam, perhaps at a fourth or a fifth or a sixth part of the stroke, letting it expand the rest, and the consumption of fuel will not only be diminished in the proportion in which he cuts it off, but in a higher proportion, from the expansive action of the steam, and therefore I think the expansive valve a matter of very considerable importance. It is with respect to the boilers, however, that the greatest difficulty will be felt, and the greatest doubt lies about the best mode of proceeding. The difficulties consist in this, generally we are obliged to use sea water in them. In the boiling of the sea water, the salt and lime and other solid matter which is held in solution, is precipitated, the steam goes over, leaving these solids behind. After the boiler has been worked for a certain length of time, the salt which remains behind from the evaporated water, mixes up with the water that remains, renders it salter and salter, until at length it becomes what chemists call a saturated solution, that is, it can hold no more salt in solution, and immediately then the salt becomes thrown on the surface of the boiler, precipitated in a solid form, and adheres; there is an affinity between the metal of the boiler, especially at that high temperature, and the salt, and it clings to the surface of the boiler, makes a solid wall round about it, a thick lining of this deposit, which has the effect of intercepting the heat of the fire; that heat which ought to pass into the water, remains in the metal of the boiler; and if this incrustation be allowed to collect to any considerable thickness, the metal will be liable to be made red hot, to soften and to have cracks in it, and the boiler to be gradually destroyed. Now this is the main evil that is to be guarded against, and many ways have been suggested from time to time by different projectors of remedying this evil.

1588. In reference to the deposit in boilers, are you aware that there is a very great difference in the quantity of saline matter contained in the water of the Indian Ocean and the water of the Red Sea?—I have not seen any analysis of this, but I should hardly expect a very great difference, as far as regards the muriate of soda.

1589. And lime?—Lime is a very small portion in any sea water; I can give the precise proportions if you wish it the next day, but the fact is, the muriate of soda constitutes the great bulk of the deposit; there is a little lime and a little sulphate of soda, and a little magnesia, but these are present in extremely small proportions; it is quite true that the lime, as far as it does exist, is the most mischievous; it lays hold of the boiler more tenaciously; it gives consistency.

sistency and solidity to the muriate of soda, forming an incrustation instead of a loose deposit; but I should hardly expect it would have any very material effect from any difference of proportion that could subsist between sea water in one place and sea water in another place.

1590. Are you aware the officers of the Hugh Lindsay have reported that in consequence of the very great difference which existed in the quantity of deposits in the two seas, that they were under the necessity of blowing off much more frequently while performing the passage of the Red Sea than that of the Indian Ocean, which, of course, must lead to very great delay, and very great expenditure of fuel?—I have heard that such a report was made, but I did not attach much importance to it. The fresh water will have more lime.

1591. Are there any remedies that you could suggest for obviating the evils that you speak of in steam boilers?—There are the ordinary remedies which have been tried, and I can scarcely say that any of them are perfectly effectual; by far the most common one is that which is called the process of blowing out, which consists in expelling the super-salted water from the boiler, and introducing ordinary sea water in its place. If this process were conducted with regularity, the water in the boiler ought never to be allowed to become a saturated solution, you should continually introduce such quantities of sea water as would drive out the water before saturation: but to this there are objections; there is the immense loss of fuel from continually cooling the water in the boiler; you are driving out water at a high temperature, and letting in water at the common temperature of the sea. The consequence is that you are purchasing a clean boiler at the expense of a considerable quantity of fuel. Then the process, if conducted otherwise, is to allow the deposit to collect to a certain extent, and then it is blown out mixed with the water. Now although this process has been enforced as far as it is possible for the owner of the vessel to enforce it, still, notwithstanding, incrustation is found to collect; I have taken off the interior of boilers incrustation two inches thick from boilers in which this process was enforced as rigorously as it was practicable to enforce it; for I ought to observe, that it is a process extremely difficult to get regularly executed; the engine-men feel that they are impairing and crippling the rate of the vessel, and they have a natural reluctance to do it. Now another of the remedies besides that blowing out, which has been suggested, is the substitution of copper boilers for iron boilers; it is found that the salt which collects on the surface of the iron boilers is less liable to collect upon copper; some will tell you it does not collect at all, and that they remain perfectly clean, and that nothing but loose deposit is collected, and that that loose deposit may be blown away without harm: but I know that that is not the case, that an incrustation does collect on the surface of the copper, though not in the same degree as on the surface of iron boilers. Now I will give you an example: I have got here a tube, three inches internal diameter, which I took out of a copper boiler at Hull. This tube was taken from a marine boiler which had been two years in operation between Hull and Hamburgh, and the owner assured me that the process of blowing out was observed as rigorously as it was in his power to enforce it, and he asserted his belief that it was fairly executed. Notwithstanding that, this tube is completely stopped; it is not a crust that is collected on it, but it is actually choked by a deposit as hard as marble. Then another remedy which has been proposed for this evil, and which is now in process of trial is an expedient which is known by the name of Hall's condensers. The source of the evil, as I have explained to the Committee, arises from our being compelled to work with sea water; if any expedient could enable us to work with fresh water, still more with distilled water, it is obvious, that the evil would be perfectly removed; and the object of the contrivance to which I now allude has been to enable us to do this, to work always with the same water, and therefore, always with perfectly pure water. Now the Committee will probably be better able to estimate the efficiency and merit, or rather the probability of efficiency in this contrivance, if I state to them it is not a new one. The celebrated Watt, at a very early epoch in the history of his discoveries in steam, and even before steam was intended to be applied to navigation, constructed a condenser of this kind; he conducted the steam as it was drawn off from the cylinder through a multitude of small tubes, which small tubes were carried through a vessel which was constantly supplied with cold water;

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the steam, thus divided into threads, and compelled to pass through those tubes exposed to the affusion of cold water, was of course condensed. Mr. Watt tried this, he laid a drawing of it before Parliament, which drawing is now in the possession of his son James Watt, and I have seen it, signed by authorities indicating its having been before Parliament. This condenser is in fact Hall's condenser. I have read manuscripts of Mr. Watt's on the subject, and I find it was abandoned by him in consequence of his finding, first, that he never could make a vacuum sufficiently sudden and perfect by it; and secondly, because the tubes constantly got a fur collected on them, intercepting the cold water just as the crust intercepts the heat in the other case, and in fact it was abandoned by him at that time as a hopeless thing. Mr. Hall, of Nottingham, has revived it, and has taken out a patent for its application to nautical engines, for the purpose of preventing incrustation; it is exactly the same as Mr. Watt's. It consists of a number of small copper tubes through which the steam is compelled to pass, as it escapes from the cylinder, which tubes are exposed to the cold water exactly in the same way, and the condensation is effected in that way; when the steam is condensed it is passed through a forcing pump, and driven back again into the boiler. The waste which must take place in this case, which will be produced by more or less of this water getting away, one way or another, by leakage—he replaces the waste by a small still in which he distills sea water, which could easily be done if there was no other objection to his contrivance. Now these condensers have been constructed in a great number of private vessels. I have seen them in vessels in almost all the ports in England, and I have examined them myself personally, but it is not by merely looking at such things, nor seeing them working, nor by examining the barometer, nor by any mere inspection of the machinery, that a correct conclusion can be obtained about them; it is only by a careful examination of logs fairly kept, giving an account of the state of the barometer gauge, the consumption of fuel, and the actual way the vessel makes for a considerable period of time. It is from this, and from this only, that correct conclusions can be deduced; one of the short ways of arriving at a conclusion certainly would be the examination of the barometer gauge; the question that would present itself to any one conversant with the subject would be, does this mode of condensation really produce a vacuum on the other side of the piston, does it really give mechanical effect to the steam by destroying the resistance on the other side; now most unquestionably, the gauges in those engines do indicate a very superior vacuum.

1592. Will you state what the indication is?—They indicate a vacuum very nearly equal to the barometric vacuum. Now, this however, is attended with a circumstance to which I wish particularly to point the attention of the Committee. There is an appendage to the condenser of the common steam engine, called an air pump; the object of this instrument is to pump away the cold water which is introduced into that condenser, to pump away that cold water and clear the condenser of it; but the purpose from which it derives its name is to pump away atmospheric air, a permanent elastic fluid which enters with the cold water which is introduced to condense the steam: cold water in the common state always contains a certain quantity of atmospheric air combined with it, and it is to get rid of this mischievous fluid that the air pump is mainly there. That is the use of the air pump in the common steam engine. In Hall's condensers he has no jet, he introduces no cold water to condense the steam, he consequently introduces no air to be pumped away, and therefore there is nothing remains to be removed from his condensers, except the pure water resulting from the condensation of the steam, and to remove that, it is obvious that an extremely small pump ought to be sufficient. Notwithstanding that, Mr. Hall thinks it necessary, for the proper efficiency of his engines, not only to use as large an air pump as is used in the common condensing engine by jet, but he even advocates the use of a larger. If then there be attached to an engine where there is no air to be pumped away, and where there is no condensing water to be pumped away; where there is nothing but the mere condensed steam to be pumped away—if there be attached to that an enormous air pump, there is no wonder at all that there should be a good vacuum kept up; for you can keep up a vacuum without a condenser at all, if you will only give us a sufficiently large air pump. That, therefore the barometer gauge in those vessels in which Hall's condensers

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are used should show a very high vacuum with so extensive an air pump in them is not at all surprising, and in my opinion indicates nothing as to the efficiency of the engine.

1593. Have you any reason to know that the air pumps used in those vessels where Hall's condensers are applied, are larger than the air pumps which would be used in the case of common condensers?—Mr. Hall told me himself that they are as large, and he even said that he would wish them to be larger; but I contend that they ought not to be there at all; I contend that there ought to be no air pump, but only a pump to pump away the condensed steam. And that if there be an air pump there of considerable size, either as large or nearly as large as the air pump of a common steam engine, I say that that air pump is in fact producing the vacuum, which is not produced by the condensers, and that the whole thing is a juggle. It is quite clear, that if you spend your power in working your air pump, you are doing nothing; it is just the same as if you were taking money out of one pocket and putting it into the other; you are doing nothing at all.

1594. Then how can you reconcile this opinion with the declarations that have been made by different persons who have been in those steam vessels for a long period, and who have declared that there is not only an increase of power in the same engines, but, with the addition of Hall's condensers, there is also a saving in the consumption of fuel, to the extent of one-fourth?—I have heard that and I have heard the contrary. I do not wish to be understood as offering these observations with a view to condemn Hall's as a bad principle; it may be a good one for anything I know; but I offer them merely as grounds for throwing a doubt for the present upon the thing, until we see it more extensively tried. I should even go so far as to recommend the adoption of Hall's condensers in the vessels at this side of Egypt, because they are always within reach of repairs, and if any difficulty should arise, they are in the neighbourhood of relief. But we ought to be extremely cautious in introducing novelties in the vessels on the Asiatic side of Egypt.

1595. But your opinion is, that if the advantages stated should be demonstrated by a lengthened trial in any vessel or vessels, fitted with Hall's condensers, it is an improvement of so much importance that it ought to be applied to vessels, and to those particularly now building, where long voyages were to be made by such vessels?—I think it very material, and if I had an opportunity of examining the performance of a vessel with Hall's condensers for a period of a year, in average circumstances of weather, and that I had a good log of that vessel, I would myself then form a judgment of it.

1596. Are you aware that Captain Wright, who commands the Prince Llewellyn steam packet, on board which Hall's condensers have been in operation for a considerable length of time, has reported most favourably of their action?—Yes; I am aware that reports have been made by him, also by Messrs. Lloyd & Kingston. I have also had many favourable reports from private quarters, where they have been used, but I have also had unfavourable reports. I have heard of instances where they have been introduced into a vessel, and taken out again, and this on the other hand has been accounted for by Mr. Hall's friends, by other motives.

1597. Are you aware that Mr. Fox has reported to the Lords Commissioners of the Admiralty that he has worked an engine with Mr. Hall's patent condensers for upwards of three years, and that he finds in it a considerable increase of power and saving of fuel?—I am. I have met with several reports of the same kind from different other persons for other lengths of time.

1598. Should you take that report to furnish good authority?—*Quantum valeat*; it is a very vague, general thing; it rests entirely on the judgment of Captain Fox.

1599. Can you state the general advantages; you have already stated one advantage arising from Hall's condensers; can you state whether there are any other advantages which in your opinion should recommend those condensers to general adoption?—No, I do not see any advantage beyond keeping the boiler clean, and thereby economizing fuel; of course there is the economy produced by saving in the wear and tear of a boiler; an iron boiler, with the common condensers, will last about three years, while with him it would last seven years

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at least; and I can also vouch for this, that the contrivance is efficient in doing that which it professes to do, namely, in keeping the boiler free from deposit; for I have seen water taken out of a boiler which had been six months in it, and it was perfectly free from all sediment or deposit.

1600. Then it is your opinion that the boiler being freed from that deposit, or the danger of that deposit, there must be necessarily greater economy in fuel?—Decidedly.

1601. One must follow as a natural consequence from the other?—Decidedly.

1602. It is stated also by Mr. Hall that the valves and pistons are better lubricated by his improvement than in the common way?—He says so; I cannot vouch for the fact that they are so. The lubricating apparatus is an ingenious thing; but I do not think it is of the same importance as the other part of his invention.

1603. You do not apprehend any inconvenience arising from the mixture of the oil in small particles with the steam?—That is one of the objections brought against his contrivance; that it is liable to that. The water will get gradually greasy; nevertheless, I must say that I have seen water taken out of a boiler which has been six months in use, as I stated to you, and very little of that in it.

1604. It is also stated that that part of the boiler which is immediately above the water line is apt to become oxydized, and that the oil floating on the surface coats that part, and prevents oxydation, and the injury which the boiler would otherwise sustain?—It is very likely that the floating grease would produce such an effect. At the same time I never heard it complained of, that any injurious oxydation really takes place in boilers.

1605. Can you state the difference between Howard's principle and Hall's?—They are quite different.

1606. Will you state the principle on which Howard proceeds?—Yes, Howard's contrivance consists of getting rid of the boiler altogether; he has no boiler; the contrivance consists in making steam without boiling the water; in short, a quantity of quicksilver is placed in an iron pan over a coke fire, and kept at a temperature greatly above the temperature of boiling water; at a temperature something under the temperature of boiling mercury. A jet of water is injected on the surface of this hot quicksilver, which flashes into steam immediately upon contact with it. This steam, in a highly expanded state, is introduced into the cylinder, and works the piston in the usual way. It is re-converted into water by being passed through a worm, and returns to the vessel from which the jet is admitted to the quicksilver; of course, as there is no boiler there can be no incrustation, and the same water being used constantly over and over again, it may be distilled water.

1607. Are you aware whether any experiments worth mentioning have been made with regard to that plan of generating steam?—It has been some years in process; experiments on one or two voyages of some length have been made attended with favourable results, but also accompanied by unfavourable accidents, which caused Government to decide upon abandoning further trial, and leaving it in the hands of the projector, the projector is now engaged in constructing vessels and making further experiments on a larger scale, but it has not attained to that point of certainty which would warrant its adoption even on this side of Egypt, and much less on the Asiatic side.

1608. Have you made any inquiries, or can you speak with any certainty as to the probable cost of coal in the different ports of India, and also in the ports of the Red Sea which are proposed for depôts?—It is extremely difficult to say what the cost will be for the quantity that will be required: if the quantity of coal which ships can take out in ballast be sufficient for working the line of vessels, coal may be had at a moderate price in India, but if more coal is necessary than the ships can take out in ballast, and if ships must be freighted with coal expressly, and probably have to come back in ballast, then that additional portion of coal will of course cost a higher price. I am not acquainted with the amount of tonnage which now goes out in ballast, and therefore I am not able to say what the cost would be under such circumstances. But from the best information which I have been able to procure, the nearest approximation

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I can make to it is, I should say, that in India coal might probably be obtained for from 35 *s.* to 40 *s.* and in the Red Sea from 60 *s.* to 70 *s.* Dr. *D. Lardner.* 7 July 1837.

1609. You have I think stated in your work, that the highest price of coal in the Red Sea would be 60 *s.*?—Sixty shillings; yes, I think that is it. That is supposing it to go round.

1610. Do you still adhere to that opinion?—I am inclined to adhere to that opinion.

1611. Do you think it could be had at a cheaper rate, transferred from this country to Suez, across the Desert?—It could not be transferred without a railroad I think at all; on the backs of camels I should think it would be very difficult indeed to transfer it. If a railroad were made from Cairo to Suez, it might be brought in boats up the Nile to Cairo, and might be sent by railroad across to Suez at a moderate expense; then that would greatly affect indeed the price, and that is the only point of view in which I conceive a railroad would be desirable there.

1612. But until the establishment of a railroad, you do not consider it could be transferred?—I hardly see how it is possible that coal could be got across at any reasonable rate.

1613. Looking to the different sorts of coal which are to be obtained in this country, do you attribute great superiority to the Llangennech coal over other coals?—It is a stronger coal, certainly, and a given weight of it will produce a greater quantity of steam in a certain proportion than the coal of the north of England. But this advantage has been greatly exaggerated, and it has been kept out of view, that it is attended with corresponding disadvantages of a very serious kind. One of these disadvantages is, that the small coal is utterly useless; and that is obviously of greater moment when you have to send the coal round half the globe, liable to all the circumstances of transhipment, and lodging and lying in different places, and consequently to the production of a greater quantity of small coal. It is also, I apprehend,—though perhaps this may not be a very serious objection,—more liable to spontaneous combustion.

1614. Therefore you think that other descriptions of coal may be used with as great advantage as the Llangennech coal?—Most decidedly; but at all events the difference between different kinds of coal is never worth consideration when a question of convenience in export is to be considered.

1615. And, therefore, that from whatever ports vessels take coal in ballast, the description of coal they will take will be sufficient?—Amply sufficient for all the purposes of the east. The fact is the runs which we contemplate are so far removed from the extreme power of the vessels to run, that the difference between one coal and another coal never can be a matter of any very great moment.

1616. Considering the greater degree of heat which prevails in the east, do you not consider that it would be advisable, in this point of view, to have a constant change of vessels as well as engineers; do you suppose that the engineers and the stokers could do as much duty in those climates as they are in the habit of doing in milder climates?—Certainly not; and I have taken that into account in the estimates which I have given in the pamphlet I have published on the subject.

[*Witness gave in the following paper:*]

The first cost of a steam ship of 1,000 tons, with machinery of 250-horse power, well appointed in every respect, and supplied with the very best machinery, complete for sea, would be £. 30,000. Taking the duration of the vessel at 15 years, the following statement will show the annual charge of maintaining such a vessel, exclusive of the fuel, the officers and crew.

	£.
Capital sunk annually on vessel and machinery, the vessel to last for 15 years	2,000
Interest on capital, at 4 per cent.	1,200
Insurance, at 7½ per cent. on half the capital	1,125
£.	4,325

The annual expense for maintaining six vessels would therefore be £. 25,950.

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To this must be added the salaries and wages of the officers and crew, the engineers, stokers, &c., together with the repair of the machinery, &c. as follows:

	£.
Commander	400
First mate	200
Second mate	130
Third mate	66
First engineer	300
Second engineer	200
Third engineer	150
Eight stokers	400
Ten seamen and 20 lascars	720
Maintenance of officers and crew	1,380
Engine-room stores	400
Ship stores	300
Repairs of vessels, machinery and contingencies	1,864
£.	6,500

The whole annual cost of the establishment between India and Suez (exclusive of stations) would therefore be as follows:

	£.
Maintenance, &c. of five working vessels and one spare vessel	25,950
Fuel	33,750
Salaries, maintenance of officers, crew, &c. repairs of vessel, machinery and contingencies, for five working vessels	32,500
£.	92,200

Assuming that suitable wheel-carriages are provided for the transport of passengers between Cairo and Suez (to which there is at present no physical obstacle, and to which the ruler of Egypt is understood to be favourably disposed), the journey between these places may be performed by passengers with ease and certainty in five or six days, and with despatches alone would be effected by a courier in much less time. But by whatever means this part of the communication is made, it is absolutely necessary that it should be conducted under the same management, and the same responsibility, as the remainder of the route.

The distance between Alexandria and Falmouth is 2,800 miles, which might be performed by a steam ship of the same tonnage and power as those which I have recommended for the eastern side of the Isthmus. It would be necessary (if the same vessel be continued through the whole passage from Alexandria to Falmouth) that she should take in coals at Gibraltar. This vessel would effect the passage between Alexandria and Falmouth in about 15 days, in average weather; and if one day be allowed, either to take in coals at Gibraltar, or if it were thought more advisable to transfer the passengers, &c. to another vessel, the total time between Alexandria and Falmouth would be 16 days.

Thus the whole time, allowing for the necessary stoppages between the several ports of India and London, would be as follows:

Time between Calcutta and London:	*Days.*
Calcutta to Suez	30 ½
Suez to Alexandria	6
Alexandria to Falmouth	16
Falmouth to London	1 ½
Time between Calcutta and London	54
Time between Madras and London:	
Madras to Suez	25 ½
Suez to London	23 ½
Time between Madras and London	49
Time between Ceylon and London:	
Ceylon to Suez	21 ½
Suez to London	23 ½
Time between Ceylon and London	45

Time

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Time between Bombay and London:	*Days.*
Bombay to Suez - - - - - - - - - - -	19
Suez to London - - - - - - - - - - -	23 ½
Time between Bombay and London - - - -	42 ½

These estimates of the time of the passage are of course to be taken as average calculations. In the height of the south-west monsoon the outward passage would probably be shorter by several days than the times given above, while the homeward passages would be proportionably longer. During the north-east monsoon the homeward passages, on the other hand, would be occasionally several days shorter than the time computed, while the outward passages would be on the contrary longer.

The maintenance of the communication between Alexandria and Falmouth, with the necessary regularity and certainty, would require three steam ships. As, however, it may be presumed, that a portion of the passengers arriving from India at Alexandria, would adopt other routes, vessels might be adapted for this passage of less capacity and power than those proposed on the Asiatic side of Egypt. I would propose, therefore, to establish between Alexandria and Falmouth three vessels of 800 tons burthen and 200-horse power. The fuel consumed by such vessels in making 24 passages, computed upon the principles already explained, will be 65,000 tons, the cost of which may be taken at 8,000*l.*

The annual expense and the maintenance of these three working vessels would be about 2,400*l.*, calculated upon the same principles which have been already applied to the steamers on the eastern side of Egypt. Thus the total annual expense of maintaining the establishment on the most efficient scale, exclusive of the stations, would be as follows:

	£.
Annual expenses already estimated on the eastern side of Egypt -	92,200
Expenses of agency in Egypt - - - - - - - -	2,000
Expenses of establishment of steamers between Falmouth and Alexandria, including fuel, &c. - - - - - - - -	32,000
£.	126,200

The adoption of vessels of inferior magnitude and power would somewhat lessen the estimated expense, but would in a far greater proportion diminish the efficiency of the establishment, and increase the chances of its failure.

I have allowed eight stokers, I think, to a vessel, and two engineers; no, I have allowed three engineers in the establishment for a steamer in the east. A first, second and third engineer at salaries, the first at 300*l.* a year, the second 200*l.* a year, and the third at 150*l.* a year. I have been mainly influenced in these recommendations by the consideration of how important it is to have a great quantity of mechanical skill at such a distance from the means of repair as that will be; and I have recommended eight stokers, which is an unusual complement of that class of men for such engines, partly in consequence of the heat of the climate, and also in consequence of another circumstance, which I would wish specially to impress on the attention of the Committee, namely, that the economy of fuel depends, in a very great degree indeed, upon the attention and skill in stoking; according to the way in which the fires will be stoked you may produce a saving of fuel fully to amount from 20 to 25 per cent.; if the coals are shovelled in in an enormous quantity and the fire places choked with them, the door then shut up, and the men sit down to rest, the consequence will be that you will produce a prodigious smoke from the chimney, the fire is impeded for the moment, and your coals will be wasted. If, on the other hand, you stoke your fires in the manner that smoke-consuming furnaces are stoked, by laying in coal gradually, and in small quantities, on the front of the grate, and as it reddens shove it back towards the back, you will have no smoke from the chimney; you will consume all your coals, you will gain from them the greatest quantity of heat which can be obtained in that kind of furnace, and the result will be a saving according to the care and skill with which this is executed, of from 20 to 25 per cent. of your fuel. Now this can only be accomplished by selecting good stokers, paying them well and not overworking them; but while they are stoking, make them stoke; let them have an abundant quantity of rest, but while they are in the stoking room, keep them constantly at work. It is found in the Admiralty vessels that the judicious selection of

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stokers, and the enforcing of a rigid duty from them, has produced a most material effect in the economy of fuel; and I would also strongly impress upon the Committee the expediency of insisting upon the captains of the vessels knowing something of the mechanical part. It is utterly vain to think of managing these vessels so far from Europe as they will be, if the captain is the slave of his engineer, and he always will be the slave of his engineer if he is not himself acquainted with the details of the engine. It will be quite essential that he should be conversant with the details of the engine.

1617. In the event of the application in the vessels proposed to be built of Hall's condensers, do not you look upon it as a great advantage, the possibility of keeping the water at an equal height in the boiler, so as to save the necessity of that close attention on the part of the engineers and the attendants which would be otherwise required?—Yes; it would be an advantage, but that can be obtained by the common boilers, by making them feed themselves, by float gauges and other apparatus, that have been supplied just as well with other boilers as with Mr. Hall's.

1618. Does not it very often happen, that float gauges and the other modes which are adopted for that purpose, are found to fail?—Not except through gross neglect, there must be gross neglect on the part of those who manage the vessel or the machinery of it.

1619. If you draw off the steam pressure suddenly, which may be the case from different causes, the water will suddenly boil up, and there will be in consequence an immediate change of level; in a case of that kind will not a float gauge be likely to deceive as to the height and quantity of the water in the boiler?—I should recommend always the self-acting feeder to be used in connexion with the float, which will prevent the level of the water from subsiding below the proper point.

1620. Should you approve of wrought-iron boilers in preference to copper ones?—No; I should advise the copper boilers; though they are double the expense, yet they last a greater length of time and the old materials are available for sale at a considerable price afterwards. That is, I would advise copper boilers if you do not find it expedient to adopt Hall's condensers, for it would be quite useless to go to that expence if you do.

1621. In the event of not using Hall's condensers, would you recommend the use of copper boilers in preference to iron ones?—Yes.

1622. Do you apprehend that there would be less liability to explosion or accident from the use of those boilers?—I think they would be less liable to explode, and if the boiler burst it would be attended with less danger.

1623. Is it your opinion, that explosion may take place in wrought-iron boilers by a combination of oxygen and hydrogen, whether produced by decomposition or any other cause?—I am inclined to think that explosion could not happen from that cause.

1624. Therefore you do not contemplate any case in which an explosion from the mixture of the gases in their explosive proportions could happen?—I am sure it could not happen.

1625. Do you think it would be advisable to apply any improvements of the paddle wheels that have been lately effected; for instance, those of Mr. William Morgan?—I admit that the performance of vessels having Morgan's paddle wheels, is better in a considerable proportion than with the common paddle wheels; that the same quantity of fuel will carry the vessel further with Morgan's than with the common paddle wheels; but I think that their mechanical complexity is such, that if any accident happened to them in the Indian seas, which would disable the vessel, they could not be repaired with any skill or means which would be available in such a place; and I think that though that accident may not be very likely, still the liability to it forms a serious objection to adopting them on the Asiatic side of Egypt. I would recommend their adoption in the steam ships on the European side. There is another form of paddle wheel differing from the common one, and which I believe will prove to be more efficient than the common one, which is less subject to this objection. It is called the split paddle; the paddle board, instead of being

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one uniform flat surface, is split into a number of narrow leaves placed one beside another, not very unlike the position of the plates in a Venetian blind. We have not had this used as extensively in practice as Morgan's wheel, and therefore have not that practical evidence of its advantage which we have of Morgan's wheel; but looking at it theoretically, I should say it promises to be attended with advantages over the common paddle wheel, and it has this great advantage, that it is equally simple, that the fracture of one of the paddle boards would be as easily repaired in that as it would in the common paddle wheel, and in some respects, perhaps, easier; and I think, therefore, it is worth consideration, whether it might not be advisable to adopt these split paddles.

1626. In giving this opinion, you of course contemplate the necessity of shipping and unshipping the paddles?—No; I fear that would be attended with very great difficulty, the shipping and unshipping the paddles: the Medea, to which I have so often referred, is remarkable for combining good sailing qualities with good steaming qualities, but the Medea does not unship her paddles; the Medea sails with her paddles in the usual place.

1627. She has Morgan's paddle wheels, has she not?—She has.

1628. Then you do not think it would be advisable to disturb the paddles?—If you could contrive a means of unshipping the paddles, I think it might be advisable to unship them in the south-west moonsoon, when you are going the outward passage; but as yet I have seen no means of unshipping them which is not attended with such objections as to make it more advisable to leave them in their fixed position; it is of the very last degree of importance that when the paddles are in action they should be in the most stable, firm and strong position, and, therefore, any means of unshipping them must be a means compatible with restoring them to their position with that degree of stability and strength which one can scarcely imagine to be matter of temporary adjustment, alterable at pleasure at sea.

1629. Do you think it expedient that there should be a connection between the present establishment of Mediterranean packets and the Indian one, or that there should be separate establishments?—I think there ought to be a separate establishment; if the Indian line of communication be successful it will support a separate establishment, and if unsuccessful it will be likely to be discontinued, so that in any case I think the question of Mediterranean steamers may be put out of view.

1630. Are there any other reasons that you have to assign why it would not be advisable to employ the present Mediterranean steamers?—You must observe the reason is the interruption that it would occasion to the line of communication, and the delay. A steamer arriving from India at Suez, sends her passengers, despatches and cargo to Alexandria; we will suppose that a steamer, plying between Malta and Alexandria, meets them there, is ready for, and takes them to Malta; she arrives at Malta at a time when, probably, it is a few days after the Malta steamer has gone, the passengers have, in consequence, to wait at Malta for a month before they will have another opportunity of going on, and the same may be said of the despatches.

1631. And with regard to quarantine, does any objection present itself to you?—By the present rules of quarantine, if they go to Malta, they must stay there. If they do not touch at Malta they can come on if they please to Falmouth, and perform quarantine off Falmouth, but if they go to Malta at all, they must, with the present regulations at least, stop there, and the consequences would be these, that the passengers and despatches must be separated, because they would not keep the despatches at Malta, and a means must be provided of sending on the despatches separate from the passengers.

1632. You think, therefore, it would be proper, under all circumstances, to perform quarantine at Falmouth in preference to Malta?—Decidedly; I think it almost essential to the success of the enterprise, considering it as a passenger line.

1633. Should you recommend the steamers between Alexandria and Falmouth to be of the same size as those recommended for the eastern seas or of a diminished size?—When I first considered this question, I felt myself justi-

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fied in recommending steamers of 800 tons burthen, to work between Alexandria and Falmouth, but when I consider the splendid establishment of steamers which have been lately organised by the French government, and the many temptations which would exist to passengers to go by various points of Europe and overland, I think that a smaller class of vessel, say from 600 to 700 tons burthen, and from 160 to 200-horse power, would probably be sufficient for the line between Alexandria and Falmouth. This, however, is matter of minor importance in the present case, because, whatever arrangements might be made between Alexandria and Falmouth, would be changeable from time to time according to circumstances with the greatest ease, because one vessel could be substituted for another, from the abundance which will always exist on this side of Egypt.

1634. Have you any reason to know that the French steamers make greater way than English steamers of the same size?—I have no reason to know it.

1635. Can you form any opinion, or have you turned your attention to the expediency of sending correspondence from England to India by Marseilles?—If efficient steamers are established between Alexandria and Falmouth, I hardly think that any thing would be gained worth separating the despatches from the passengers by sending them across Europe.

1636. You do not think it would be important for the mails to gain a certain number of days?—At present I do not think they would gain it; I think it would be important to gain it if they could, but I do not at this moment see that much time could be saved.

Lunæ, 10° *die Julii*, 1837.

MEMBERS PRESENT.

Mr. David Barclay.	Mr. Hutt.
Lord William Bentinck.	Mr. Mullins.
Sir John Hobhouse.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

Captain *Mackenzie*, called in; and Examined.

Captain *Mackenzie.*

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1636.* *Chairman.*] YOU belong to the Bengal cavalry?—I do.

1637. When did you leave India?—I left India in December 1835.

1638. How did you come from India; by what route did you come from India?—I came in a native Indian vessel from Calcutta, up the Red Sea, through Egypt.

1639. At what season?—I came in the north-east monsoon, during the months of December, January, February and March.

1640. Did you come with your family?—I came with my wife and one child four or five years of age.

1641. Where did you stop during the passage?—We touched at Cochin, on the Malabar coast, and afterwards at Mocha and Jidda.

1642. What winds prevailed in the Red Sea during your passage?—When in the Gulf of Adan, immediately outside the Red Sea, we had the south-east wind blowing very strong, and the same south-east wind carried us up to within two degrees of Jidda, where we met the north winds, and we were obliged to beat up against them, and at last we got into Jidda harbour. I think the south-east monsoon very seldom extends much higher than the 16th or 17th parallel of north latitude, after that you are subject to northerly winds.

1643. After leaving Jidda, what then?—I stayed at Jidda about three weeks waiting for a ship, and afterwards went up to Cosseir.

1644. In what?—In the same native vessel, which got a freight from the Pacha of Egypt, to bring down troops and stores for his army in Arabia.

1645. How long were you doing that?—We were seven days between Jidda and Cosseir, beating up against the north wind and calms the whole way.

1645*. Then

1645*. Then the north wind was not violent?—It was only violent for the first day.

1646. From Cosseir where did you go?—From Cosseir we crossed the Desert to Thebes, in five days.

1647. Had you any difficulty in making that trip?—None whatever. I had made my arrangements in Calcutta. I had made up a tent at Calcutta, and a tuck-too van or litter.

1648. Was there plenty of water on the route?—We carried water from Calcutta, and we had Mocha water also with us, which is very good; we made tea of water of the wells of the Desert.

1649. Was it good water?—It was a little brackish or so, but it made very good tea, we thought.

1650. How long did you stay in Egypt?—I was in Egypt about two months and a half.

1651. What detained you there so long?—I was detained about five or six weeks at Alexandria in consequence of my wife's confinement.

1652. Did you meet with many officers in Egypt who had come from India?—I met a great many officers and mercantile gentlemen who had come from India.

1653. What might be the number of officers, civil and military?—There were, I should think, about 25, and five or six merchants, I should think.

1654. What was the opinion of those officers respecting the convenience of the route through Egypt?—They were of opinion it was quite practicable, indeed that it was perfectly easy, and they were highly delighted with their trip, and much pleased with the ruins of Egypt, and other objects of interest which they had seen both in Arabia and going down the Nile.

1655. And was it the general opinion that this would become a favourite route between India and Europe?—Decidedly; I never heard any objection to it stated of any kind; any person who has ever gone that route would never go round by the Cape of Good Hope.

1656. Were there other travellers in Egypt from Europe or from other parts of the world except England?—I met a French viscount and a Swedish captain of engineers and several Americans, and a good many Englishmen of fortune travelling for their pleasure.

1657. Did any of them express a desire to avail themselves of a steam communication to go to India?—All that I had any conversation with on the subject, and I had conversations with several, both English and Americans, and they stated that they were exceedingly anxious to go and see India; and one family in particular, an American family that I met at Thebes, said they would have gone in the Hugh Lindsay the next trip, were they not afraid of arriving at Bombay at the commencement of the rainy season, when they were afraid it would be impracticable to travel over land from Bombay to Calcutta, but if steam communication had been established between Bombay and Calcutta round Ceylon, that they would have had no hesitation in going.

1658. Now, of those officers that came to India, what proportion of them, as well as you can judge, intended to go to England by sea, and what proportion across the continent?—I take the number at 25 who came overland about the same time as I did; of these, I should say 20 went over to Sicily, and thence through Italy home, and that five went in the Falmouth packet direct to England.

1659. Are you enabled to give any opinion as to the comparative expense of a voyage coming by Egypt, and of a voyage out by the Cape of Good Hope?—I should think that the expense of a voyage up the Red Sea would be much less; if I might take my own case, I paid much less for my trip than I could have been able to get a passage for from Calcutta to England in a good sailing vessel round the Cape of Good Hope; but I came in country vessels, and they are much cheaper than I imagine steamers would be; but I should say, if the passage from Calcutta to Suez was made about 50 *l.* or 60 *l.*, that an officer of moderate means might be able to reach England as cheaply as by the Cape of Good Hope, and that even if they could not do it so cheaply, that 90 out of 100 would prefer going that route, although a little more expensive, on account of the objects of interest which would attract their notice.

1660. Mr. *Barclay.*] And the saving of time probably?—And the saving of time also.

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1661. *Chairman.*] You found in your own case it was cheaper to come by the Red Sea?—I did.

1662. Have you any objection to state the particulars?—Not the least; I went in a native Indian vessel, entirely manned by natives, though commanded by an European captain, and I paid for my passage for myself, my wife and child, and had an excellent poop-cabin, 800 rupees to Jidda; I waited three weeks at Jidda, and got into the same ship and went up to Cosseir in Egypt in her, and I gave 12 *l.* more for my passage, with the same cabin; I think from Calcutta to Geneva, including my expenses at Cairo and Alexandria, and staying in the Lazaretto in Malta, and staying many days at Naples and Florence, and other towns of Italy, that I reached Geneva with an outlay of rather more than 200 *l.*; I mention Geneva, because I got a remittance there from England, as my whole Indian finances were exhausted by the time I got there; there can be no mistake about that, for I had but a certain sum to take me from Calcutta, and I had spent that as I went along, and I knew what I took away with me.

1663. What would the voyage by sea have cost you round the Cape?—I do not think I could have got a comfortable cabin in a good ship, with a good commander, under 300 *l.*; in a common ship I might have got one for 250 *l.*, I dare say.

1664. You were some time both in Mocha and Jidda?—I was a few days at Mocha, and three weeks at Jidda.

1665. How did they appear to you adapted for coal depôts?—I think Jidda is admirably adapted for a coal depôt; a beautiful harbour, as smooth as a mill-pond when you are inside; there is very good anchorage, and it is very capacious; and Mocha, again, is an open roadstead, where the south-east monsoon blows with constant violence, but I do not think it ever blows in squalls or hurricanes there, so that the anchorage is comparatively safe, and if you should happen to break from your moorings, why you would only be driven out to sea, nine months in the year, for the other three months it blows in-shore; it is not certainly such a good depôt as Jidda is, on that account.

1666. You did not stop at Camaran?—I did not stop at Camaran.

1667. Mr. *Mullins.*] Did you make any inquiries respecting it while you were on your passage?—Yes; I heard a great many opinions on the subject; I had a great deal of intercourse with naval officers on the Red Sea, and I think the general opinion was that Camaran was well adapted for a depôt, having a good harbour, though perhaps not a sufficient quantity of water over the bar at all times of the tide for large vessels, but they seemed to think quite sufficient for a steamer.

1668. *Chairman.*] Did you hear how far the Pacha of Egypt was favourable to steam navigation?—Yes; I had a good deal of intercourse during my stay at Alexandria, both with influential Turks and with British and Foreign merchants there, and they were particularly well acquainted, several of them, with Mohamed Ali's sentiments, and seemed to think he was highly favourable to the establishment of a steam communication, and seemed to think he was equally anxious for it as the English themselves, because he imagined that the establishment of it would divert a certain portion of the trade from the route of the Cape of Good Hope to its ancient channel of the Red Sea, and that he would be a gainer by his revenue being increased, and by his putting a slight transit duty on the trade, and it would greatly add also to the political importance of his country; and another object of it would be, that it would tend to cement a stronger alliance between Great Britain and Egypt

1669. And the merchants that you saw there, did they entertain the same opinion, that commercial intercourse would be increased and benefited by it?—Decidedly; they look on the establishment of steam communication with as much interest as the people of India do, and they think it will greatly increase their trade and commerce; that it will bring many things from India to Egypt which do not come now, and many things from Arabia, such as coffee and senna; and they seemed also to think it would be the channel for the conveyance of the trade of Turkey to India and China.

1670. Were any other articles specified?—Valuable goods which can be compressed into a small space, such as silks, stuffs of India and China, and Cashmere shawls and precious stones; and they seemed to think that a good deal of indigo, which is a valuable commodity also, would eventually come that way, particularly if that Prince establishes his railroad between Suez and Cairo.

1671. How

1671. How far is the Pacha of Egypt in possession of both sides of the Red Sea; have you any information upon that point?—Yes: the Pacha of Egypt possesses the whole coast of the Red Sea from Suez, on the north, to Mocha, on the Arabian shore, on the south, and to Suakin, on the African shore; he has an army of about 20,000 men in Arabia, and the chief towns on both coasts are garrisoned by his troops, with a regular government establishment, civil and military; and from what I saw of those governors, and the different civil and military officers, on my route up to the Red Sea, I should say that they are highly favourable to the English and to English interests, and are most willing in every way to forward the cause of steam navigation, for the transit either of despatches or of British travellers. I received myself the greatest civility and attention from them, and had frequent audiences with them at most of the towns I stopped at.

1672. Then you consider the intercourse completely secure through Egypt, both by the Red Sea and over land?—Quite so; I think perfectly secure.

1673. Now, do you happen to know in what manner the Pacha removes his troops from the Nile to the Red Sea; by what route, and in what manner?—He sends them sometimes up the Nile in boats to Gennah and across the Desert to Cosseir, where they are embarked in Arab buggaros, and in these they are conveyed to Yambo, Jidda, Gonfodah, Mocha, &c.; others who have been in Syria, or who are in garrison at Alexandria and at Cairo, are sent across the Desert to Suez direct, the nearest route, and thence shipped in buggaros and go down the Red Sea, the same way as others do from Cosseir.

1674. Do they march across?—They march across.

1675. How are they supplied with water?—They generally carry Nile water in bags with them on camels. There is never the least difficulty about water: for culinary purposes they make use of the water of the Desert, and for drinking they carry Nile water, which is very sweet water, and will keep a long time.

1676. Had you any apprehension of the plague during your residence in Egypt?—No, I never had any great apprehension, although it was raging almost the whole time I was in Egypt. We first came upon it at the large town of Siout, the capital of Upper Egypt, beyond which limit it seldom extends; it has never been heard of at Thebes; and it accompanied us all the way down the river, on both banks, and the only precaution I ever took was, that when I got alongside of a boat containing the dead bodies of people who had died of the plague, which I did accidentally one day, when I got alongside of one with 17 plague bodies on board of it; they had come over for interment; they generally inter their bodies there in the Desert that they may not cut up the fertile cultivated soil; in fact, bodies during the inundation would be washed up if they did not bury them out of the reach of the inundation; the only precaution I took upon that occasion was to fumigate the boat well in case of anything happening, as I had the lady and a child on board, which made me more particular than I otherwise should have been; but during the whole time of my progress down the Nile from Siout to Alexandria, where the plague was raging, I never kept any quarantine; and I freely went into all the villages and among all the ruins to see all the celebrated sights; I have had several of my boatmen ill from fever, but none of them ever caught it, and we arrived in safety at Alexandria; and I believe if you are confident you will not catch the plague, and do not harbour any fears about it, you are not so likely to catch it as you would otherwise be.

1677. And on the part of the other officers you met there, was there any serious apprehension?—I do not think there was much apprehension; we are so much accustomed in India to violent epidemic diseases, such as the cholera and those things, carrying off hundreds before our eyes, that we think less of it than other people.

1678. Then you do not think that the existence of the plague in India can be considered as a serious interruption to intercourse?—No, I do not.

1679. Can you speak as to the general desire of the civil and military officers in Bengal for the establishment of this steam communication?—Yes, I can speak confidently of the general feeling in its favour among the civil and military servants; they are most anxious to have it established, and indeed they have made great exertions, and several of them have subscribed considerable sums to forward the cause; I myself have subscribed twice for it.

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1680. And do they wish it for the sake of the quicker correspondence, or for the sake of the passage home?—Partly for both; I think there is no doubt their first object is to secure a certain and rapid correspondence, but their second object is to avail themselves of a quicker passage to England.

1681. Mr. *Mullins.*] Do you think the rates charged by the Cape of Good Hope for passengers from this country to India ought to be persevered in, the charge for passengers from this country through the Mediterranean to India, or whether they should be raised or lowered?—I should think the community of India would bear to have them rather raised a little than otherwise, but they would willingly pay an extra sum of money for the facility and for the greater rapidity of transit; and I think they would pay the same, because they would be fully remunerated by the objects of interest which they would see in Egypt and on the continent of Europe.

1682. But the chief inducement, you think, would be the facility of communication?—That would be one, but I think the other also; it was a great inducement to me; I speak personally; I thought the seeing of those monuments of antiquity in foreign countries a great object, and it would be a great object with most Indian officers.

1683. Do you think it would be an inducement to those officers who are now in the habit of going to the Cape of Good Hope on a certain portion of their allowance to come to England by the Mediterranean, even though they should lose that allowance?—They can go now to the Cape of Good Hope retaining their allowance; they can go to Egypt also retaining their allowance; therefore I think that if the offer was made to them whether they would go on sick leave to the Cape of Good Hope to spend a year or two, or whether they would go to Egypt, they would say, "we will go to Egypt at once," because it is a far more interesting country, and a more delightful climate; and they can not only go to Egypt and wander about, but they can go to Syria, and I do not know whether they cannot even go to Constantinople.

1684. Do you think it would be advisable to make an arrangement by which they might continue their progress to England instead of remaining in Egypt, by diminishing still more the allowance which they at present receive by going to the Cape of Good Hope?—Do you mean that they now receive?

1685. Yes; if that allowance were still further diminished, should you think it advisable to permit them to come to England for a certain time, in place of remaining in Egypt, which at present they have it in their power to do?—I think if they put them on English pay and English allowance, that every one of them would be induced to come to England instead of remaining either at the Cape of Good Hope or in Egypt; but it is the loss of allowance that induces them to stop at the Cape, or would induce others if steam communication were carried into effect to remain in Egypt.

1686. But even though there should be that loss of allowance, would not the facility of communication be an encouragement to those invalids to come to England in preference to staying in Egypt, even though they should lose their allowance?—I think a great many more would come to England than do now, decidedly; but those who have staff appointments in India, either in the civil or in the military service, these are the people that do not like to sacrifice their appointments by making those who have no appointments or who merely belong to the regiment; these people would all prefer coming to England instead of staying either at Egypt or at the Cape of Good Hope.

1687. But you do not think the possibility of reaching England within a certain period after leaving India would be an encouragement to officers such as you describe, who have large allowances, to make a temporary sacrifice, for the purpose of seeing their friends at home?—If it were only a temporary sacrifice they would all do it; but on leaving India, an officer who has an appointment forfeits that appointment, and therefore if he goes to England only for six months when he returns to India he must rejoin his regiment.

1688. Your opinion then is, that it would be matter of good policy to give the same privileges to Indian officers coming to England that they at present possess going to Egypt or the Cape of Good Hope?—With regard to retaining their appointments and allowances.

1689. And being reinstated on their return?—There would be a good deal of objection on the part of the officers of the Indian army to such an arrangement, for this reason, that when an officer goes home, some candidate succeeds to the vacant

vacant appointment, and then it creates a greater falling in and a greater number of appointments, and if they were deprived of this, they would be inclined to grumble perhaps, although no doubt it would be for their own advantage, in my opinion, because there would be a greater number of acting appointments, a greater number of officers in staff situations; some have been 50 years nearly in staff situations, and never quitted them. These men would go home, and other people would be appointed to act in their room, and therefore it would, I conceive, be a great advantage to the Indian army if they were allowed to come home, retaining their appointments. Captain *Mackenzie* 10 July 1837

John Kingston, Esq., called in; and Examined.

1690. Mr. *Mullins.*] YOU are one of the engineers to the Admiralty?—I am assistant engineer at the Woolwich yard. *J. Kingston*, Esq.

1691. You, of course, from the nature of your duty, have been obliged to devote a great deal of attention to steam machinery, and its various improvements in steam vessels?—Yes.

1692. How long have you been appointed to that office?—I have been there 17 years, but not all the time performing the same duty.

1693. How long have you been performing the duty you now perform?—About 12 years.

1694. In the course of your duties you have had occasion, under the orders of the Lords of the Admiralty, to examine different improvements in steam engines?—Yes.

1695. I perceive that you and Mr. Lloyd have made a report to the Lords of the Admiralty, in the year 1834, with regard to Mr. Samuel Hall's condensers?—Yes, we did.

1696. You were directed, I believe, by the Lords of the Admiralty to go on board a vessel for that purpose?—To make an experiment to Ramsgate and back.

1697. Will you have the goodness to state to the Committee what opinion you formed of that experiment?—At that time I formed a good opinion, and I still hold it; but I understand it has been taken out of the vessel; I do not know from what cause. The only objection was, that the pipes were liable to choke.

1698. What pipes?—The pipes forming the condensers; several vessels are furnished with them in Scotland, and I believe they answer well, from what I hear there.

1699. Mr. *Barclay.*] In what way do they answer well?—The saving of the boiler is the principal, to prevent any deposit from sea-water; no sea-water goes in the boiler, the water being continually used over and over again, is condensed.

1700. Mr. *Mullins.*] Will you state, for the information of the Committee, what the peculiar principle is, and how it is applied?—At this moment I do not exactly recollect the form of it.

1701. But you can state generally what the principle is?—It is a number of pipes, I forget how many there are in number, and the steam passes through those pipes; there is cold water, of course, round them continually; the steam is collected, afterwards condensed, thrown back again into the boiler, and then it is re-used.

1702. So that there is a total impossibility of any deposit?—Quite so.

1703. Or incrustation being formed in the boiler?—Quite so; it cannot be, the time this water goes in the perfect state it does.

1704. When the water is first introduced it is distilled water?—No, common water.

1705. Not containing any salt?—No.

1706. And then it is distilled water which is introduced afterwards to keep up a supply?—It is. There is only a small quantity; that will depend on the leaks. They take a very small quantity to sea with them to make up the defects.

1707. In your opinion, how much longer will a boiler last in which the principle of condensing by surface is applied than a boiler on the common principle, where there is a condensation by injection?—I should venture to say three times as long, at any rate.

1708. Where those condensers are applied, what description of boiler would you use, copper or iron?—I should say iron boilers.

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1709. Do you think it would be necessary to construct the boiler of such large proportions when those condensers are used as under the common plan?—I should think it would require no difference as to size; I do not see why it should.

1710. Are you not aware that in the construction of the boilers in general use they make a certain allowance for the incrustation, and for the necessity of having a greater surface to obtain the requisite quantity of heat?—I have never understood that to be the case.

1711. With regard to the quantity of consumption of fuel, have you formed any opinion upon that subject when Hall's condensers are used?—There is a saving of fuel, I think, but it is principally the saving of the boiler.

1712. Are you aware that in your report to the Lords of the Admiralty, you decidedly stated there was a saving of fuel?—The saving of fuel must be taken in this way, when the boiler becomes so lined with this filth that it requires a great quantity of heat to generate the steam in sufficient quantities.

1713. But when it is evident that according to the old system there must be incrustations of boilers, and therefore an additional quantity of fuel, and when in the new system the boiler is kept perfectly clean, is it not your opinion that there must be a saving of fuel under the latter circumstances?—Quite so.

1714. There is also another reason why there would be a saving of fuel, which is the avoidance of the necessity of continual blowing off?—That is another point, certainly; there is no blowing off required. In the common boiler they blow off every two hours, with the injection condenser they blow off every two hours.

1715. When the new condensers are applied it is not necessary?—No; you must not blow off.

1716. I believe you have found in the same way that many engineers who have devoted themselves to that subject, that in proportion as the incrustation or deposit in boilers increases, so does the quantity of fuel, used in a certain space of time, increase?—Certainly it does; I cannot speak exactly to what quantity it does increase, but I know there is a very great increase; at the expiration of two years the boilers require a great deal of fuel; there are some parts that you cannot get at to clean.

1717. So that in case of a vessel making a passage of several days, you are aware it has been found that, at the termination of her passage, she consumes a much greater quantity of fuel than at the commencement?—Yes; and the rapid destruction of the boiler goes on in the first place.

1718. Mr. *Barclay.*] Are these condensers very much used now in the construction of new steam vessels?—We have one making, the Margara, for the service.

1719. But I mean the general service of the country?—Principally in Scotland; I have no knowledge of having them, except I think in three Scotch boats; the Prince Llewellyn is one.

1720. Mr. *Mullins.*] If you look at your report, you will see the St. George's Companies, every one of them, has them [*The Witness looked at the Report*]?—I was not aware there were so many as those.

1721. How many vessels are there stated there to be actually in action?—There are eight vessels actually in action, and there are 21 vessels constructing upon that principle.

1722. And do you happen to know they are applied in a vessel going between this country and America, the British and American Steam Navigation Communication, Claud, Girdwood & Co., 460-horse power?—Yes, I heard of that.

1723. Did you pay particular attention to the action of the machinery during the passage to Ramsgate?—As far as outward appearance would allow us to do so. The condenser was not opened for us to look at the internal part of it.

1724. Were you able to form any opinion as to the increase of speed?—We did not make any trial of that kind; although we passed our mile-mark we could not attend to it, in consequence of the passengers being on board; she was loaded with passengers; besides, to make a trial of that kind we should make a comparison.

1725. Do you think that a more perfect vacuum is preserved in those condensers?—It appeared so by Mr Hall's statement; there was no barometer on.

1726. But you have always understood that the vacuum was better preserved

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in those condensers?—I have always understood so, and I believe it to be the case.

1727. You are aware that it is proposed to open a communication between this country and India; do you suppose that, for the long passage that the vessels would have to make on that route it would be advisable to apply those condensers?—I should have no fear to try one as an experiment, none whatever.

1728. Do you not suppose that the experiment has been sufficiently tried already where vessels have been fitted with those boilers, and have been working for a number of years, as in the case of the Hercules, for instance?—The Hercules has been working, I think, two years. I should rather try them a little further first.

1729. Have you heard any report of the working of the engines of the Hercules?—I was to have attended a trial as much as six weeks ago, only I was ordered off to another place. Mr. Ewart and his assistant tried the Hercules, but I have not heard their opinion upon the condensers at all.

1730. You are aware that those boilers do not require examination or cleaning for a very long period?—I have heard so; I have not seen it myself.

1731. Do you know anything of Morgan's paddle-wheels?—Yes.

1732. What is your opinion of those paddle-wheels for vessels which are intended to make long voyages?—I would not recommend them.

1733. Will you state your reasons?—The principle of the wheel is good, but they wear out so very fast that they would not run, I should suppose, more than from 22 months to two years without repairs. I have had a great deal to do with them; as much as any one.

1734. They have been tried in the vessels of the service, have they not?—We have several vessels fitted with them now. We took them from one vessel last week, the Tartara, I think; they had been in only 14 months, and they wanted thorough repair.

1735. And therefore your opinion is, that where it may be difficult to obtain those necessary repairs it would not be advisable to apply such a complicated system?—Just so; I am perfectly satisfied of that.

1736. And you do not know any other description of paddle-wheel in present use which it would be proper to recommend for such vessels?—We are making trial of Mr. Field's wheel, a cycloid wheel, on Mr. Field's plan; Mr. Galloway claims it, but Mr. Field I know is making some excellent experiments, and if it succeeds in sea as it does in still water, it will be the best wheel that was ever made or thought of.

1737. Describe the principle of it?—It is a wheel, differing in no other way from the common wheel except that there is a double set of boards, not a plain rectangle, but the board is taken off, and it is brought as it were in a parallel position, with an interval between the edges; we have only two-thirds area of board on the wheel we are now trying, and there is an advantage in point of speed over the whole board; I cannot account for it; it will require some consideration.

1738. In those wheels you have just been describing, there is nothing so complicated in your opinion as to prevent their being applied, in case they should be found to answer, as well in rough water as in smooth?—Nothing to prevent them whatever; they are simple, durable, and possess all advantages if they should succeed in the sea.

1739. I understood you to state you are making those experiments under the orders of the Lords of the Admiralty?—We are; we have made 16; to-day is the 17th; I have only been present at four, because I have been to Scotland.

1740. You of course have examined the different sizes and proportions of vessels for the different situations on which they may be placed?—Yes.

1741. Is it your opinion that in the case of vessels intended for making long voyages and encountering hard weather it would be advisable to have a large tonnage and great horse power, or to limit it to such a size as that of the Atalanta or the Berenice?—I think vessels from 450 to 600 tons is about the size that I should recommend; not larger than 600 tons.

1742. Will you state your reasons for limiting the size of vessels to that particular tonnage?—I think they would be more suitable for the distance they have to run.

1743. Are you aware of the distance they would have to run?—I should suppose not more than eight or nine days each.

1744. Do you think a vessel of that size, with a proportionate horse power, could weather a gale better than a vessel of a larger tonnage and a greater horse power?—I think so.

1745. And is it your opinion there will be as little wear and tear of the vessel, or straining of the vessel and of the machinery?—I should think there would be less straining of a vessel of that size than one of much larger dimensions, especially crossing a heavy sea.

1746. Is it your opinion that a vessel of that size could make any head-way against a heavy sea?—With plenty of power; I would not confine her to power.

1747. What proportion of power would you give a vessel of 600 tons?—I would not give her less than 270-horse power; from 260 to 270; not less.

1748. Are you not aware that if you put more than a certain horse power into a vessel of a certain tonnage, that in attempting to make head-way against a heavy sea, she would actually strain herself under the water, and that consequently that additional horse power would be useless to her, inasmuch as she could not use it?—I think that would depend, in a great measure, upon the form of the vessel.

1749. Can you conceive any form of vessel, or do you know any vessel having such a form as to enable her to use that horse power, or that proportion of horse power that you describe, without incurring such danger as I mentioned, if put to her speed?—The Unicorn, that runs from Liverpool to Glasgow, has similar power, as near as possible, to the tonnage of the vessel; she has 240-horse power, and I think she is not more than 250 tons; and I examined a vessel, called the , which the Government have bought lately. She has engines 290-horse power, and her tonnage is 562 by the old measurement, and by the new rules 711 and some odd fraction.

1750. Do you know of any other instance besides those you have mentioned?—The Eagle is a similar vessel to the Unicorn; the power is the same. I think, in a great measure, it depends on the form; but whether or not, if you have an excess of power in a vessel, you have no occasion to make use of it unless you please; you may reduce your power as much as you please. It is best to have it, because in quiet, still weather you have all the advantages, and those advantages tend to the saving of fuel.

1751. Looking to the increase of weight which must necessarily attend an increase of power in the engines, do you think any advantage to be gained will not be counterbalanced by many disadvantages, such as the displacement of a certain number of tons of cargo?—The engines will take a little more room than engines of less power, say 40 horse less.

1752. But then there are the boilers?—The boiler is the only thing, but that is no great deal; two feet in a boiler is not a great deal; you would have the advantage of your power when circumstances would allow it.

1753. There would be some additional space taken up by the boilers and the machinery?—But the extra power would be available in fair weather.

1754. You are aware that vessels of 1,000 tons and 250-horse power have been recommended by Dr. Lardner, and different other gentlemen, and why is it do you think there will be any advantage arising from the employment of vessels of such a size in preference to those you have spoken of?—I should not think there would be any advantage at all, but a very great drawback.

1755. You are aware that those vessels are proposed to carry passengers, and also to carry a certain number of tons of cargo; do you suppose that in a vessel, such as you describe (a vessel of 600 tons), there could be sufficient accommodation for a number of passengers, and also to have spare room for a cargo, consistently with the quantity of fuel which it would be necessary to take for a long voyage?—That is to say, for nine days; I believe that is the longest.

1756. But then you must allow for accidents?—We always have an excess of two days, eleven days for nine days; I think you might conveniently stow about 60 passengers abaft.

1757. With perfect accommodation and comfort?—Yes, I do; and 25 forward.

1758. What space could be spared for general cargo over and above the quantity of luggage that belong to the passengers?—There would not be a great deal of room I think for cargo, but I cannot speak positively to that; I will, however, if the Committee wish it, make the best calculation I can upon that subject and furnish the Committee with it.

[*The Witness was requested to do so.*]

Martis, 11° *die Julii*, 1837.

MEMBERS PRESENT.

Mr. David Barclay.	Mr. Hutt.
Lord William Bentinck.	Mr. Mullins.
Sir John Hobhouse.	

LORD WILLIAM BENTINCK, IN THE CHAIR.

Captain *Robert Oliver*, R.N., called in; and Examined.

1759. *Chairman.*] DO you belong to Her Majesty's Navy?—I do.

1760. What rank do you hold in Her Majesty's navy?—Captain.

Captain *R. Oliver*, R.N.

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1761. How long have you been a captain?—Commander and captain near 10 years.

1762. You have been during that time in command of steamers, have you not?—I have been for the last six years attached to the steamers. I commanded the Dee and the Phœnix, and was interested in other vessels.

1763. What are the power and tonnage of the Dee and the Phœnix?—The Dee is 704 tons, and 200-horse power; the Phœnix is 809 tons, and 220-horse power, the same as the other large class; that is the maximum power afloat at present; the same as the Salamander, the Rhadamanthus and Medea.

1764. Do you consider that proportion of power equal to the tonnage, or that it would be better if it was increased?—It depends entirely upon the purpose for which it is employed; in large vessels the power is not increased in the same ratio with the tonnage.

1765. That is to say, a greater tonnage requires less power in proportion?—Yes; we find that the large vessels make better progress with smaller power than smaller vessels do, from their own gravity.

1766. Dr. Lardner, the other day, informed the Committee that the larger the vessel, the more easy it was to overcome resistance; you agree in that opinion?—Perfectly.

1767. He gave that as his opinion, and he referred particularly to the Medea, that a vessel of 1,000 tons, intended for a lengthened steam navigation, would do better, upon the average, with one-fourth of the power, that is, with 250-horse power, than if it was increased much beyond that?—I have found that to be so. My experience leads me to believe that to be the case.

1768. He gave this as a reason, that in smooth water the greater power would propel the vessel with greater speed; but if they have to overcome an adverse sea and bad weather, the larger the vessel the greater the speed?—Yes, from the gravity of the vessel; that I have found in my own experience. In commanding the Dee, for instance, of 200-horse power and 704 tons; in the Phœnix, 809 tons, with only 20-horse power more, I could face the sea, and make progress much easier with that vessel; and I am perfectly satisfied that that principle is good throughout, that the larger the vessel the greater her capacity to resist both wind and sea, and a less engine is required to propel her.

1769. In India, where we have to contend with the south-west monsoon, that principle would be particularly applicable, would it not?—Quite so. I should recommend vessels of a larger class than are usually employed.

1770. What would you recommend, from your experience?—I should say a vessel of from 900 to 1,000 tons, not less.

1771. With what power?—I would say about four tons to a horse power; in vessels of a smaller description the load is equal, but she has less capability of bearing it; consequently, much power is lost in overcoming the resistance from immersion.

1772. Have you been off the coast of Spain?—I have been no further than Lisbon.

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1773. Have you ever carried troops in a steamer?—Occasionally; not for any distance. The ship I commanded I was absent from at the time she carried troops to Ireland. I have had troops on board for short runs, and at ancho r I have had a considerable number on board.

1774. Are any Government steamers fitted up for the express purpose of carrying troops?—There is only one for dock-yard purposes and conveying troops.

1775. What description of vessel is she?—She is about 700 tons, and 200-horse power, similar to the Dee.

1776. Do you know what troops she will convey?—It depends entirely upon the season, distance and the kind of weather; but in fine weather she would take 500 men upon her decks, with great ease, for 24 hours; and she would tow at the same time a transport with an equal number. I conceive one of those vessels would take a whole regiment, with a transport in tow, only to be limited by the fuel and provisions.

1777–8. It would be a great advantage in India, with our extensive coast, and an adverse monsoon one way or another, to have steamers that would convey bodies of troops from one point to another quickly; what description of vessel do you think would best attain that object?—The very largest class; the larger the greater the accommodation in proportion to the tonnage.

1779. Do you think the object would be attained by having the steamer work as a tug?—She might take a greater proportion herself; she might take 500 men upon her decks, with great ease, for many hours, depending entirely upon the weather.

1780. Supposing the troops were required to be carried several hundred miles, and to occupy six or seven days' passage?—There would be no difficulty in that.

1781. In India you would require that the troops should be protected from the sun?—We have no means of stowing them in our ships below; the accommodation below is very trifling. The engine-room occupies so much of the space, there is not much accommodation for them below, but they must be protected by awnings.

1782. The steam vessels on the coast of Spain have been used entirely for purposes of war, not for conveying troops yet?—The Phœnix and Salamander took 1,200 men, who were the means of turning the day; they made a breach, as I was assured by an officer present, where 200 men could walk in; that was effected by the Phœnix alone.

1783. Are you acquainted with the Medea?—Perfectly.

1784. She is made for sailing as well as steaming?—All the Queen's steam vessels are rigged to make a voyage entirely under sail; by disconnecting the wheels we save our fuel, and make as good voyages, with a free wind, as any sailing ship, provided the wind is not too light; then, if the wind is so light that she does not make her maximum speed under sail, we then apply a portion of the power, either by one wheel or two wheels, or one boiler or two boilers, economizing the fuel to the demand for speed.

1785. Has she a different construction for the purpose of adapting herself to the double service of sailing and steaming?—No; only the masting and rigging is in better proportion. Throughout the service an arrangement has been made, to adapt all steam vessels to make their passage under sail alone.

1786. The masts and yards are heavier than they would be in one of the Navigation Company's vessels, are they not?—Yes, they are on a very large scale in proportion, but not sufficient to cause too great a resistance; they are constructed on the principle of giving the greatest spread of canvass with the least possible resistance from the masts and yards. The topmast and yards, and everything comes down, and there is nothing but the lower masts offering resistance.

1787. Then the different rigging does not interfere with the power of the vessel as a steamer?—No: the Medea has been cruising for weeks together with a fleet, without ever getting her steam up; and she will, with a strong breeze, go 11½, equal to any ship in the fleet, when they come under double-reefed topsails; and upon a wind, in fine weather, she will make eight knots an hour. We consider her sailing on a wind, in moderate weather, equal to that

that of the dullest ships; off the wind, so long as a larger ship is compelled to reduce her sail, she comes on an equality with them.

1788. Mr. *Mullins.*] Have you any notion how many knots an hour the Medea makes when steaming, in average weather, at sea?—It depends a great deal upon her trim, whether she is very deep or very light.

1789. The question assumes that she is in good trim?—Then, in moderate weather, she would make nine and a half in smooth water.

1790. Take the case of the weather the vessel is accustomed to meet with at sea most parts of the year?—She averaged better than eight knots an hour in her passage from England to Malta.

1791. *Chairman.*] How many days' fuel will she carry?—She has carried 320 tons; they used great economy: much depends upon the mode of management.

1792. What does she consume per day?—About 18 tons a day, taking the average; she can carry 18 days' consumption with great ease.

1793. Mr. *Mullins.*] In a vessel carrying so many days' fuel, how many tons would be spared for a cargo, assuming her to take a cargo, without sinking her too much?—There would be very little room for a cargo.

1794. Assuming her to be carrying coals for 18 days, and the consumption to be 18 tons per day, what do you think would be the number of spare tons for cargo such a vessel could afford?—It would be about 72 tons; the only difference between the 12 days and the 16 or 18 days would be, her lines would be so deep, if she was lower it would be against her going.

1795. That tonnage, with a cargo, would not, in your opinion, throw her out of proper trim, or cause her to sink too deep?—She would be quite deep enough. It is the immersion of the vessel by which her speed is regulated; it is by immersing the ships in the way they do that they make such little progress in bad weather.

1796. Do you suppose a vessel will be immersed too much if she was to take that quantity of cargo you have just mentioned, in addition to the fuel necessary for 12 days?—Yes, too much for bad weather. The Medea, in addition to her full complement of coals, carries 120 men, with three months' provisions; her armament and ordnance stores are near 25 tons; all her duplicate engine gear, the weight of which I have not the means of giving, but which is very extensive, say 10 tons, and all other stores usual in vessels of war, which amount to a very large quantity.

1797. Is it your opinion, that with all those different armaments which a vessel prepared as a vessel of war must take, she still would take that quantity without being immersed too deeply to injure her working in bad weather?—That ship would perform her duty well, she has done it; but in extreme bad weather she would find an inconvenience.

1798. Assuming a vessel of 1,000 tons and 250-horse power to be confined exclusively to the conveyance of passengers and to the conveyance of a general cargo, assuming her also to take fuel sufficient for 12 days' steaming only, how much room, in your opinion, would she have for a general cargo?—Not much more than the other ships I have already mentioned of 220-horse power; in the same proportion.

1799. In what respect, under those circumstances, would a larger vessel have an advantage over those you have been describing?—Her superior capacity gives her superior power, the larger the vessel the greater the capacity of carrying sail; in long voyages, the sail must assist very materially; those ships will make a four-point course good. When a vessel does not make more than five or six knots direct to windward, it is better to put her under low canvass, when she will increase her speed one-third; and by working a traverse, she will arrive at her destination in nearly equal time; with the wind fair, she is quite capable of making her passage with her wheels disconnected, thereby saving her fuel altogether. I have prepared a scale, which, with the permission of the Committee, I will put in.

[*The same was delivered in, and is as follows:*]

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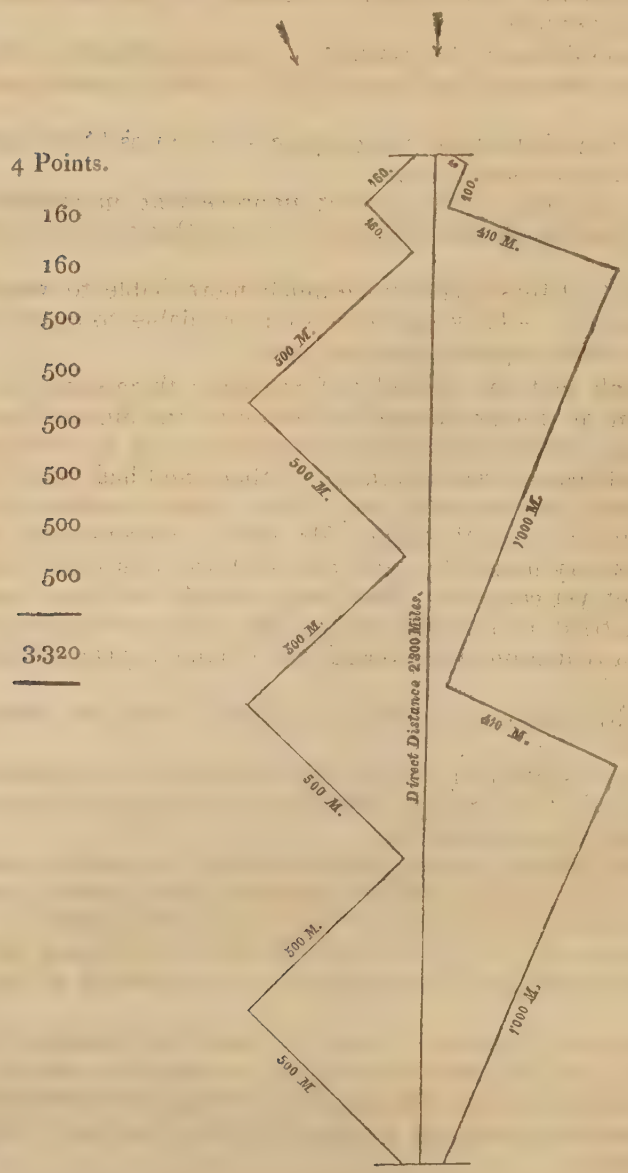
The accompanying Diagram shows the advantage of the efficient masting and use of sails, when the speed reduced to and below five knots from resistance of head sea and wind, it having been found with steam, and fore-and-aft sails, a four-point course can be made good with an increase of speed of from one-third and upwards, according to strength of sea; also, with the wind two points from the course by which the intermediate angles can be judged of.

The Table an approximation to loss or gain in time.

It is rare, indeed, in a long run, but the wind veers so as to enable a greater advantage to be taken of the use of sails, and thereby relieve the vessel and engines considerably.

With the wind free, the velocity obtained from the sails frequently exceeding that of the engines, by disconnecting the wheels, the expense of fuel, wear and tear of engines and boilers is entirely saved.

Maximum Distance yet made under Steam, at one time, without a stop:



Steam only:

		knots. hours.	knots. hours.	knots. hours.	knots. hours.
Direct distance -	2,300 n. miles -	5 in 460 -	6 in 383 -	7 in 328 ½ -	8 in 287

Steam and sail—Course of four points from direct line, the wind ahead:

Distance run - -	3,320 n. miles -	7 in 474 -	8 in 415 -	9 in 368 -	10 in 332

Course, the wind two points from the direct line:

Distance run - -	2,960 n. miles -	7 in 423 -	8 in 370 -	9 in 329 -	10 in 296

1800. Is it your opinion that the paddles could be unshipped occasionally, without any detriment to the strength of the machinery of the paddles by constant changing and re-changing?—We have two modes of proceeding, one to disconnect

disconnect the wheel from the engine and allow it to revolve, the other to displace a portion of the boards.

1801. You would not disturb the machinery of the paddle itself?—We do not disturb the segments or the arms.

1802. You do not think it advisable to disturb them?—No; for we have so short a time between port and port, there would not be time to ship them again.

1803. You do not think the skeleton-wheel would impede the vessel?—No, not more than an anchor-stock.

1804. Are you acquainted with any improvements which have been made of late in the steam machinery; do you know Hall's condenser?—I am not particularly acquainted with them; it is under trial, and as far as I have seen of it, it looks well.

1805. Have you heard that those condensers have been adopted on board one of the new large vessels building for a voyage to America?—They are about to do it, but the vessel is not yet built.

1806. Have you any knowledge of the working of those condensers on board the Hercules, which plies between London and Cork?—Only by conversation and hearsay.

1807. Have you heard that they answer the purpose?—So far as I have understood, they do; they have given satisfaction.

1808. Do you know anything of the recent improvement in paddles?—Morgan's are certainly superior in point of power to anything we have ever yet had.

1809. Have you heard that those paddles are much more liable to wear and injury than the common ones?—They are certainly more liable to injury, but they wear equally; very much depends upon the care.

1810. Do you not think that the difficulty of replacing them would be an objection to their use in an Indian climate?—Certainly; the Medea, Captain Austin, by her own means, without any extraneous assistance, in 13 or 14 working days, removed the paddles and replaced them by others, and had them ready for work. I conceive great improvements may yet be made in paddles; there is an experiment now going on at Woolwich, Mr. Field's improvement; they have reduced the boards very materially, and find that the vessel goes faster, and the minimum is not yet come to: those large boards are by no means necessary at sea. I have tried, to a limited extent, the experiment myself, and was going on with it by a reduction of the board, and I found a great advantage in it.

1811. Do you mean by new and improved paddles?—With the common radiating paddles.

1812. Field's, you have spoken of, are on a much simpler construction, much less liable to get out of order than Morgan's, are they not?—So many moving parts must be liable to wear and tear.

1813. What proportion ought to be the greatest width of the paddle, according to your opinion?—I cannot give a precise answer to that question; but I should say, generally, that all sea-going steam vessels are over-boarded.

1814. What immersion would you give the paddle-wheels of a vessel of the tonnage you have been describing?—One-sixth, I have understood to be the best mark.

1815. Do you suppose they should be deeper?—I would not immerse them more if I could avoid it, but they are unfortunately compelled to do so; by increasing the power, they get into the difficulty of immersing the boards, which is the reason in a great measure that light power acts better than heavy power; a ship may be over-powered.

1816. In the vessels which you commanded, what description of coal were you in the habit of using?—The Welsh, the Llanally or Llangennech, we found most economical.

1817. Why is there greater economy in that description of coal than in any other?—We find great economy over the Scotch; I have placed it at one-fourth; I find a fourth difference in the consumption of the Welsh and the Scotch coal.

1818. There is other coal to be had in the different English ports, which, though not the coal you speak of, is still applicable to the purpose connected with steam, is it not?—We find other coal affect the boilers; the better the

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coal the greater the advantage to the boiler in every respect, and the less the consumption, and the injurious effect upon the boiler is less.

1819. Is there not a great deal of waste in the Llangennech or the Llanally coal, arising from the quantity of dust or small coal mixed with it?—A great deal; but it should be supplied hand-picked.

1820. Have you tried any other coal besides that you have named?—The Scotch coal my attention has not been particularly directed to; we have been mostly in the habit of using the Welsh coal.

1821. You have never commanded any steam vessel which has taken a cargo?—No, only a ship of war.

Captain *George Barnes Brucks*, called in; and Examined.

Capt. *G. B. Brucks.*

1822. *Chairman.*] YOU belong to the Indian navy?—I do.

1823. How long have you belonged to it?—I have been 31 years in India; five of them in His Majesty's navy, and 26 in the Indian navy, out of which period I have been 27 years constantly at sea.

1824. Are you acquainted with the Island of Socotra?—I have been at it, but of late, since it has been the subject of so much discussion, since the steam communication has been discussed, I have endeavoured to make myself acquainted with it by information also.

1825. Have you ever seen the survey of Messrs. Haines and Welstead?—Yes, I have.

1826. Having seen it, do you consider that that will make a very good depôt in both monsoons?—Yes, as far as anchorage goes.

1827. A doubt has been expressed as to the possibility of approaching it in the south-west monsoon; what is your opinion?—It is my opinion that if anchorage for a floating depôt (as the south-west monsoon would be the only period at which it was wanted) could be found under Cape Guardafui or Cape Felix, and I have reason to believe there is good anchorage under Cape Felix, coals in a floating depôt would much facilitate the vessels in the south-west monsoon, as in going up to Socotra at that season of the year they become exposed to the violence of the sea running out of the Gulf of Aden, which they would escape by keeping in with the African coast.

1828. You yourself have never been in either of those bays?—I have passed along the coast, but without anchoring. But there is one thing particular in this case necessary during the south-west monsoon, which I will state to the Committee: I have once beat up along that coast in a sailing ship, and as long as I could keep close to the shore, that is, within two, or three or four miles, I found smooth water, and a breeze varying from two or three knots to five or six per hour, but as you increase the distance to four or five miles from the shore, you get into the force of the monsoon; the chances are, in a sailing vessel at night you lose what you have gained by a good look-out in the day; in a steamer, from being able to keep a direct course along the shore, you might always keep in the smooth water, and consequently there would be none of the violence of the wind and sea felt.

1829. Supposing that there is not a good place for a depôt in those two bays, there would be no impossibility of going to Socotra?—Certainly not.

1830. What is your opinion of the ability of the Atalanta or Berenice making a voyage from Bombay to Socotra during the south-west monsoon?—I think it is perfectly practicable to make a direct passage, but still not advisable.

1831. For what reason?—Although the vessels would go across, they would strain their engines; the vessels themselves would also become much strained; but by continuing down on the plan which is now given in, they would make the passage in an equally short period, with not more than two-thirds of the expense of fuel, at the same time at an immense saving of wear and tear.

1832. How near to the Line do you go?—Within two or three degrees, according to where I may find the light winds.

1833. What would be the distance from Bombay according to that course?—Two thousand three hundred and thirty-five nautical miles.

1834. It is only occasionally that the south-west monsoon blows with great fury?—In the south-west monsoon, at times there is a lull, indeed almost approaching to a calm; but that is never to be depended upon, for though you may have it so within a few miles of the coast, or have it so at a distance off the coast,

coast, you will not find perhaps in any 150 miles during that line the same state of weather, neither can you depend upon the weather being the same for two days together.

1835. From what points does the wind blow in the south-west monsoon; the extreme points?—It may be taken at various periods of the monsoon; the early part of the monsoon, when it sets in on the western side of India, the wind blows in squalls from south-south-west round to about south-west-by-west. A month later, the squalls begin to get more westerly, till towards the month of August they very often blow as far round as west-by-north and west-north-west off shore; I have generally found the winds to hang with greater steadiness from west-south-west to south-west, and the squalls generally less violent.

1836. Have you been much in the Bay of Bengal?—I was cruising there during the years 1805, 1806, 1807 and 1808, and I was there employed on survey in 1814, 1815 and 1816, and I have made several passages round there since.

1837. What do you consider to be the practicability of making a voyage from Calcutta to Point de Galle to sail against the south-west monsoon?—I think it perfectly practicable.

1838. Is not the south-west monsoon as strong in the Bay of Bengal as it is between Socotra and Bombay?—At times I should say it was even more violent in the Bay of Bengal.

1839. Generally?—Generally; I should say it is more so on the western side of India, but they are much more liable to gales of wind on the bay than on the western side.

1840. Sir *John Hobhouse.*] But still there is nothing in the gales which you think a good steam-boat might not encounter?—As far as the gales go, I should think for the time they lasted that would generally put a stop to her progress; during the time the gales lasted in the bay she could not make way against them.

1841. You stated that those gales are more violent in the Bay of Bengal than in the Bombay seas?—I should certainly say so, but it is not to be supposed those are constant during the south-west monsoon; there may be two a year, or three, four or five of them; and in some monsoons, none of them.

1842. *Chairman.*] How would you make the passage down the Bay of Bengal against these monsoons?—I have found, at that season of the year, keeping nearer to the coasts of Oressa and Coromandel is by far the better than getting into the centre of the bay or near the eastern coast.

1843. The south-west monsoon does not as it were come home on the coast—No.

1844. You do not apprehend there would be any difficulty in going to Point Palmyras when the south-west wind blows with great power?—In the end of August and the early part of September 1814, we were sent down through a freak of the Marine Board in Calcutta to survey Point Palmas; we had the full benefit on our way down of one gale of wind, and another after our anchorage in False Bay; still, in a sailing-vessel we made way against it; in this part you have the benefit of tides.

1845. You are acquainted with the Port of Galle?—I am.

1846. Do you consider that a good harbour for steamers?—It is according as the question is to be considered; if it is to be a place which is to be a sort of head-quarters for steamers, where repairs and such things are to be done, if a large expense of outlay were incurred and a pier erected, and the means of heaving-down vessels, and other very large expenses, then Galle would be fully efficient; but if it is only as a port for the steamers or a mere starting point which they are not to look to for repairs of any consequence more than their own people could do on board, I should say Galle is a very good place.

1847. Sir *J. Hobhouse.*] If it is to be made a place for repairing, or a depôt or station, you think a considerable outlay would be necessary, in order to qualify it for such a purpose?—It would be impossible to do without it in that case.

1848. Are you acquainted with Trincomalee?—I have been in the harbour; even there, though there is great facility in Trincomalee, from there being, I believe, a wharf to heave down ships, as I understand, no King's ships have been hove down there; it might be done at less expense; but then there is a great disadvantage attending that in the south-west monsoon; you have the full fury of the monsoon to contend against between that and Dondera-head. If

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I am asked the comparative advantage of the two stations, putting the outlay out of the question to fit the places, I should say that Galle was superior in every point.

1849. Without reference to the outlay, supposing that there was no consideration of the money to be applied in fitting either Trincomalee or Galle, you would prefer Galle as a station?—Yes.

1850. Do you think there would be any difficulty in establishing regular steam navigation between Bombay, Galle and Socotra?—I consider that there is no difficulty. In the first place, in accomplishing a passage direct, the steamer can do that; but still, from the circumstance of the fuel, or strain of machinery, she might possibly break down, and there would be a greater expense of fuel; if she had the passage direct across to overcome, I propose that the vessel shall go about 218 or 220 miles off shore, south-west by west, leaving Bombay, by which means, with the prevailing winds, she would make a course, according to what I have seen myself of the winds, about S. by W. ½ W. to S.S.W.; I have allowed five points; they say a steamer will make a course good at four, till she came down to about two degrees and a half north of the Line; I would then, by going along 690 miles under steam, and, when practicable, sailing to the westward, which would be very near four degrees north; from that point they may put their fires out altogether, and get into the strength of the monsoon, and run up the course as per Diagram, till they make the land a little below Cape Guardafui, then round that under steam they may go along the African coast, where they will find smooth water near the shore; if it was necessary for them to go up to Socotra the wind would help them on, but they must of course get under steam again when they left the island for the coast, but it would be but a short distance. In regard to the passage from Galle to Socotra, I should steer out from Galle, going through one of the channels of the Maldives.

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1851. You would not go to the south of the Maldives?—No, I should pass through with steam; I should then get the wind light, and have the full benefit of sailing, as before described in the Diagram.

1852. You think that, whether from Point de Galle to Socotra or from Bombay to Socotra, there are no difficulties, even in the south-west monsoon, which would prevent the permanent establishment of steam navigation by either of those routes?—Certainly not. But I ought to mention, or it may be said I act inconsistently in India, as when I left India I was as great a bigot to the system laid down by Captain Wilson as any one knowing the seas could be, depending for information on Captain Wilson's report of the performances of the Hugh Lindsay; but since I came to England I have, under the sanction of the Court of Directors, made a point of going round in steam vessels to see what they would do, and I feel, from the experience I have gained, there is so little to prevent the constant communication being carried on, I should be quite ready to stake my professional reputation on the subject.

1853. *Chairman.*] Having, in India, entertained a different opinion?—Yes, having had no information but that derived from Captain Wilson's pamphlet, and no knowledge but of the Hugh Lindsay, a very inferior vessel to most here.

1854. Sir *John Hobhouse.*] What sort of vessel would you recommend for the navigation of the seas of which you are speaking?—I should say about 750 to 800 tons. In the south-west monsoon a large vessel becomes a matter of necessity. The vessel I should propose would not perhaps be quite so large as I have mentioned. I should propose a vessel of the same length of deck as the Berenice, but with an increase of beam. The Berenice is about 29 feet between the paddle-boxes, I believe. The beam between the paddle-boxes I consider should be about one-fifth of the length of the deck, or about 34 feet 8 inches; that of course would increase the tonnage in giving the dimensions. I suppose the Berenice to be 750 tons, but find she is under 700.

1855. Have you made any calculation of the time necessary to go from Point de Galle to Socotra?—I could make the passage from Point de Galle to Socotra in the south-west monsoon in about 15 days and a half, allowing the average of six miles an hour; about the same as from Bombay.

1856. *Chairman.*] What is the distance?—The distance on the line I should say I should go over, is about 2,200 miles.

1857. Mr. *Mullins.*] At that rate it would be impossible for a vessel of the size of the Berenice to take coal sufficient to steam the whole way?—In the plan I suggest they do not steam all the way; they have the benefit of their sails

for

for a run of at least 700 miles; on the plan I have given, I should think, in a south-west monsoon, they might always calculate on 60 days at the outside from Bombay to England, and 56 days probably; the minimum out at this season would be from 44 to 50 days, I think, as average.

1858. *Chairman.*] You have served a great deal in the Persian Gulf?—I have, and I have surveyed the whole of it.

1859. You have served against pirates, have you not?—Yes; in everything which has been done against them, with one exception, since 1805.

1860. What is the state of piracy in the Persian Gulf?—They are kept down by being constantly watched; the moment they know that there is not a watch over them, they begin to feel their way and commit petty acts of piracy; there was an instance of it in 1834, in consequence of a vessel being withdrawn to Socotra which was usually employed in the protection of the trade of the Gulf, and others in the Red Sea, and there being only a limited number of vessels, one being employed in the Eastern Straits, the Gulf was left with only two vessels in it; the consequence was, the chief of Abothubby fitted out his vessels and put to sea, and before anything was known or anything could be done, property to the amount of about six or seven lacs of rupees was captured, and the people of course were many of them murdered.

1861. When did this occur?—The trial of the pirates took place in 1835; the Elphinstone fell in with them, re-captured several of the prizes, and got back a great deal; but the merchants suffered to the amount of a lac and a half at least.

1862. In what description of boats or vessels is this carried on?—There are three descriptions of Arab vessels; the buggalows, which vary from 40 up to 500 tons; and some being armed with a few matchlocks and swords; others carry two to 16 guns.

1863. How many men do they carry?—Sometimes, in large buggalows, when fitted for war, there are as many as 500 men. Then there is another class of vessels, called battills; they vary from about 20 to 150 tons; those vessels carry in the same manner from a few matchlocks and swords to about six guns; those are particularly speedy vessels in sailing.

1864. Sir *John Hobhouse.*] Do those pirates come down low to the southward, or confine themselves to the upper part of the Persian Gulf?—Of late years, since the expedition of 1819 and 1820, there have been only partial outbreaks; there never has been a general system of piracy since, for there has been a naval force to check them; but, previous to that, they have made captures as far south as Cochin on the Malabar coast.

1865. *Chairman.*] Might not steamers be advantageously substituted for sailing vessels in those seas?—I have already given in upon that subject to the Court of Directors a plan Mr. Loch gave me, the basis on which I was to go; and I clearly showed that with four steam vessels, two of the first class and two of inferior class, with lighter guns, and two sailing vessels, the duties of the Red Sea and the Persian Gulf might be efficiently performed; in addition to which, I have shown the advantage to be derived from the employment of steamers; the instance I have given is, supposing some disturbance at Cutch or near the Indus, that it is necessary to send up during the north-east monsoon, the usual time for field operations, a force to be collected from Poonah or Bombay, 4,000 or 5,000 men, one of the first class steam ships of war, which would not take above three or four or at most five days to reach that port, embarking one regiment in marching order, and two native vessels carrying another regiment with tents and a portion of baggage; were those men sent by land, they would have a six weeks' march; were they sent in sailing vessels, they might get up there in 10 or 14 to 16 or 18 days; in steamers they might be landed in three or four days, and the vessels return and bring up another part of the force, and they would be landed quite fresh and ready for action, and within the distance of probably 60, 80, or 100 miles of the place where they would be called upon to act.

1866. You think, from your acquaintance with the peculiar circumstances of our Indian empire, the employment of steam vessels, not only for the purposes of communication, but of safety and protection and keeping that great empire together, would be peculiarly serviceable?—I have not the slightest doubt of it; at the same time, I consider it necessary to state that there are two points to which their duties will be directed, and in which their value ever will lie: the trade of

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the Persian Gulf and the Red Sea is immense; they take off large portions of the produce of Bengal; a greater part of the surplus produce of Malabar and Canara; they take off an immense quantity of our imports from Bombay; and the quantity of our British manufactures they take off is very large; I think we cannot reckon far less than a million and a half for the import and export trade of the Gulf; the returns are mostly specie; and I suppose that of the Red Sea also to be to a large amount.

1867. In what way is your opinion borne out, of the superior advantages in the employment of steam vessels over sailing vessels?—In the first place, the steam vessels would always have such superiority over native vessels in which piracy is carried on; whenever they fell in with them, they would be able to cut them off before they reached their port; another thing is with respect to the armament of the steamer; there is not a port on the pirate coast in which the large guns they carry forward or aft would not destroy every vessel in the back water, which the sailing vessels, unless they are vessels of very large size, could not carry ordnance to do.

1868. You consider that the nature of India and the coast are peculiarly suitable to the employment of steam vessels, rather than sailing vessels?—I should say, in regard to the employment of vessels for the Indian navy, it would be most advantageous that they should be steam vessels; still, a small number of sailing vessels is necessary.

1869. *Chairman.*] Will you state what number of steamers you consider necessary to protect the trade in the Persian Gulf and the Red Sea?—In the plan I have proposed for the Indian navy, in what I have given in to the Court of Directors, I have put two large and two small steamers, and one of the present 18-gun sloops reduced to 14 guns, and one 10-gun brig, exclusive of the several vessels which perform a duty similar to the coast guard in the Guzerat collectorate of customs; there is always a great deal of small pilfering going on in Guzerat and Kuttywen. There are some small craft which perform these duties, but the expense of them is trivial; probably the whole expense does not amount to more than the expense of one of the higher class men-of-war.

1870. You propose to have two steamers of a large description, two of a smaller, and two sailing vessels?—Yes.

1871. How would you dispose of them?—In the first place, it is necessary that one vessel should be cruising in the upper part of the Gulf, in communication with Bushire, where the resident is stationed, that any information he may receive he should be immediately able to communicate with that vessel, to carry into effect any duty; she at the same time would protect the upper part of the Persian Gulf, in a line drawn from Cape Burdistan to El-Katif. Another vessel is necessary to be cruising from Bahracin, taking in the whole line of the Arabian side of the Persian Gulf as far as the Bay of Cassaub. A third vessel, which is supposed to take the whole of the centre of the Gulf, a part of the Pearl Bank, and the whole line of the coast to Bassadore; at Bassadore, you can at all times and in all the prevailing winds, in a sailing vessel, reach any particular point on the pirate coast, and have communication from it; she should cruise off the Island of Kishure, along the coast of Macoon as far as Guadel; she should also occasionally visit Muscat, and run down the Batna coast; that employs four vessels; those are the Persian Gulf duties. There should be three steamers and one sailing vessel in the Red Sea; we must have one vessel to protect our trade there, for though there are not any pirates in the Red Sea, the unsettled state of government is such, if we have not a vessel in that sea the merchants are plundered and trade injured. In 1833, the whole of the Surat vessels were stopped at Mocha, and money was extorted from them, when the timely arrival of the Honourable Company's brig of war Nautilus, which had been despatched from Surat, prevented their being further plundered; but the season, in consequence of their detention, was passed in which they could trade, and they lost that year all their emoluments or profits from the trade of the place.

1872. With this monthly steam communication with the Red Sea, that vessel would become unnecessary, would it not?—I doubt that, speaking from the inconvenience felt by the surveying vessels; if you once attempt to interfere with the particular duties the steam packets are employed on, connected with that service, the regularity of the communication is broken, and great public inconvenience must result.

1873. Sir

1873. Sir *John Hobhouse.*] You would not recommend the mixture of war duties with packet duties for the steam vessels?—Certainly not, if there is not intended to be a breach in the regularity of the communication: suppose, at Mocha, a merchant vessel had arrived, and the government had seized upon it; the steam packet arrives, the commander cannot devote the time that may be necessary to afford that protection and to see those persons righted. But there would be this advantage to the packet navigation, by employing a steam vessel instead of a sailing vessel of war in the Red Sea, should the steamer break down, the war steamer may take her duties within the sea for a time; then a sixth vessel would be required for the purpose of reliefs to the Red Sea or the Persian Gulf; one vessel is as little as can be. I have been for 18 months without relief in consequence of the want of a vessel, and six months on a cruise at one time is as much as any vessel or crew ought to be called upon for in such a climate as the Persian Gulf or Red Sea.

1874. Mr. *Mullins.*] You are acquainted with the wear and tear of steam machinery in this climate; can you form any opinion as to whether there will be a greater degree of wear and tear in the Indian seas in consequence of the greater heat of the climate there than here?—I should think not.

1875. Sir *John Hobhouse.*] Your general opinion is, that taking the line from the Red Sea to Bombay, or taking the line round by Galle to the eastern shore, that is to Madras and Calcutta, there is nothing in the present state of science to prevent a regular steam communication being kept up with the three presidencies?—I have no hesitation in saying there is no difficulty whatever; and, as I have before said, I speak from long experience, having been 27 years employed in those seas; and there are, I believe, few people who can give a more competent opinion. When I left India, I should have said, there was a difficulty; but what I have seen since I came to England has convinced me that the communication may be kept up monthly.

1876. Whether to Bombay, or whether to the other two presidencies also, you think there is no difficulty which will prevent the keeping up a monthly communication between this country and those presidencies?—No: when the subject was broached to me at the India House, after I had been amongst the steamers, I at once stated that I was perfectly ready, on my return to India, to make the first start with a south-west monsoon, and to stake my reputation upon it.

1877. *Chairman.*] How many sailing vessels have you had occasion for in the Persian Gulf at the same time?—Generally four.

1878. Mr. *Mullins.*] Do you think Camaran would be the best depôt in the Red Sea?—No; I will give a reason: there is a periodical wind, in which sailing vessels cannot get out for a certain number of months; it will not do to have a depôt, and to have a vessel detained there, and the expense of months' demurrage. Perim is a port of the Red Sea, which has every advantage of a harbour, and everything necessary; the sailing vessels may go there, and deliver their coals, and the moment their coals are out they may start off. If they are in the Red Sea they are tied up for three months in the year, because the wind blows so furiously into the Red Sea, you cannot get out; the vessels of war may beat out, but they will have a great superiority over merchant vessels.

1879. Do you mean to say a steam vessel of sufficient power cannot beat out?—I speak of sailing vessels carrying coals into the Red Sea; they would be detained, and an immense expense incurred; whereas, by the use of Perim, which is a port equidistant, and has every facility, the vessels can land their coals, and get off.

1880. Are you not aware that Camaran is more equidistant between Socotra and Suez than Perim; and do you not think that in consequence of that it would be better adapted for such a depôt than Perim?—I am perfectly aware of that, so far; but I think, with proper steam vessels, except in the south-west monsoon, they will require no more than one depôt between Bombay and Suez.

1881. Are you not aware that there is no water to be had at Perim?—I am.

1882. Would not that be a great obstacle to the establishment there?—No; for just opposite, at Cape Babelmandeb, water is plentiful, and might be brought over in any quantity.

1883. What is the distance across?—About five miles; but I do not see any advantage in increasing the number of depôts.

1884. What is the amount to be allowed in annual charge upon the prime

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cost of a steam vessel, on the capital sunk, for interest, insurance, repairs and renewals, at a rate calculated to create and perpetuate the property?—I am not prepared to answer that question.

1885. Have you formed any estimate of the comparative expense of delivering fuel at different depôts, in the event of a regular communication being established with the three presidencies?—I have taken what I should term the average expense of fuel, supposing it to be purchased at the various depôts. I have also formed an average estimate of what I consider the expense of the management of those depôts; one part of that is by means of a floating depôt; that is the best in the south-west monsoons; even if Socotra were used, it would be the best. The steamers may go alongside a floating depôt, and much time would be saved. I have framed an estimate of the expense of the depôts and the fuel. I will give it in.

[*The same was delivered in, and is as follows:*]

ESTIMATED EXPENSE of running Three Steam Vessels as Packets between *Bombay* and *Suez*, each Vessel to be from 700 to 750 Tons.

I WILL begin with coal, and though I am aware it has been stated by most who have wrote on steam navigation in these parts, that when there is a demand for coals, ships going out will take them as ballast, and consequently they will become cheap, if reliance on such a source is had recourse to, the monthly communication will fail for want of supply, and also, the holders of coal knowing you must take them, will put their own prices upon them, which certainly will not be low; coals must therefore be sent from England direct to the depôts, and I think for Bombay and Red Sea together, 50*s.* per ton will be a fair average.

I consider the time of the voyage to Suez from Bombay, and Bombay to Suez, to take up, if all done under steam, 18 days, or 36 days' steaming per month for two vessels, and at 18 tons per diem consumption, will be 7,776 tons per annum, add 100 tons for wastage, dust, &c., give 7,876 tons; allowing 50*s.* per ton, this will cost per annum	£. 19,680
Stores per annum for three vessels	3,500
Pay and provisions for captains, officers and crews of three vessels	12,084
* Expense of two floating and one shore depôt, in and near the Red Sea	3,500
* Depôt at Bombay	1,000
Supposed outlay on three steam vessels to be 120,000 *l.*, as the Company do not insure, allow on this seven per cent.	8,400
* Coal hulks, say 20,000 *l.*, seven per cent., is	1,400
* For a foundry to make repairs, materials, &c., at 20,000 *l.*	1,400
* Establishment and expenses for working the above, including engineers, boiler-maker and all other workmen, per annum, about	3,400
Spare parts of engines, say to the value of 20,000 *l.*, at seven per cent.	1,400
Contingencies, at 12 per cent.	5,372
	£. 50,136

In this estimate I have, I believe, included every possible expense; many will be reduced when we are able to get natives instructed as working engineers, though it will be long before a chief engineer from Europe to each vessel can be dispensed with.

As sail may be much used, a saving, with care, of perhaps one-third of the estimated expense of fuel may be made.

Those items with * prefixed, will not be increased by any number of steam vessels being employed, they being equally necessary for one as for ten.

There may be some omissions in these calculations; still I do not think there can be any of the least consequence to the whole.

Geo. Barnes Brucks,
Captain, Indian Navy.

The Right Hon. Sir *Alexander Johnstone*, called in; and Examined.

Right Hon. Sir *A. Johnstone.*

1886. *Chairman.*] HOW long were you in His Majesty's service in Ceylon?—Sixteen years. During that period I filled successively the offices of advocate-general, judge, chief justice of the Supreme Court, and president of His Majesty's council.

1887. Were you in 1809, when a member of His Majesty's council on that island, sent officially to England by the government of the island, for the purpose of urging the adoption by His Majesty Ministers of certain public measures which you conceived to be of advantage to the island?—I was sent officially to England by the government of Ceylon in that year, for the purpose of proposing

posing to His Majesty's Ministers various measures which I thought necessary to restore the ancient trade of the island, and to improve the condition of the natives. Amongst many others, I proposed three measures, which were more immediately connected with the improvement of the trade of the island. The first was, to make Point de Galle, by declaring it a free port, and by holding out many advantages to vessels of all nations which might stop there, an *entrepôt* of the trade which is carried on between Europe, Africa and America, on the one side, and the coasts of Coromandel, Bengal, Sumatra, Java, Malacca, Siam, Cochin China, China, and all the Eastern Islands on the other. The second was, to deepen the narrow channel in the Gulf of Manar, called the Paumbun Passage, so as to enable vessels drawing from 10 to 12 feet water to pass through it. The third was to deepen the entrance into the harbour of Cocheen, on the Malabar coast, and to open a communication by water from that coast to the coast of Coromandel, through the break in the Ghauts, called the Paulcaud Cherry Pass, by uniting the waters of the river Paniyani, which fall into the sea on the former coast, to those of the river Caveri, which fall into the sea on the latter coast.

1888. Do you think that making Point de Galle one of the stations for the steam-boats employed in the steam communication between Egypt and British India will forward the objects which you had in view, by the measures to which you have alluded, and be of great use to the island?—I conceive that it will be of the greatest use to Ceylon, by introducing capital through that port into the southern part of the island, and by bringing capitalists to it who can purchase the many valuable articles of trade which are produced in that part of the island.

1889. Do you think, from what you have seen and heard of the place, that Point de Galle will be a good and safe harbour for the steam vessels?—I think so from an inspection of this chart, and from what I have heard from persons competent to give an opinion upon the subject. Mr. Gibson, a very old and intelligent seaman, who was master attendant at Point de Galle in 1808, when I was preparing to come to England for the purposes I have mentioned, gave me this chart of the port, which he had himself made from his own personal observations, and also a very detailed memoir, written by himself, of every circumstance which may be necessary to enable seamen and merchants to form an opinion upon the nature of the port. Point de Galle, from my own personal observation, seemed to me to be a very convenient port for merchant vessels to stop at, because a great quantity of cocoa-nut oil, arrack, coir, coffee, cinnamon, and other articles of trade, can be conveyed to it without difficulty from different parts of the country, because there were warehouses there in which the merchants could deposit their goods, and because there was a plentiful supply of fresh provisions, vegetables, fruit and good water, and a fort to protect the shipping in the harbour.

1890. Do you think that it would be a convenient place to come to for passengers, as well those who are going from England to India as those who were coming from India to England?—I think it will, because passengers may go from thence to all parts of India, either by embarking in a vessel at that port or by going overland to Colombo or Manar, and crossing over the sea from either of those ports to the peninsula of India, because the place is extremely healthy, is situated in a very pretty country, and affords great facilities for visiting the finest and most interesting parts of the island, has a daily post, by which one can communicate with every part of India, and because there is a very fine road, along which you may drive a carriage and horses all the way from it to Colombo.

1891. Do you think that the establishment of a steam communication between England and British India through Egypt will be of use to the northern part of the Island of Ceylon?—I think it will, because I think it will ultimately lead to the deepening the Paumbun channel to which I have alluded, and to the carrying on again through that passage, in the same manner as it used to be carried on till the middle of the 14th century, a considerable portion of the trade which is carried on between the eastern and western sides of the peninsula of India. The trade between Egypt on the one side, and China and the Eastern Islands on the other, was, in ancient times, carried on, I think, from the port of Adulis, on the western side of the Arabian Gulf either by sea, through

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the Paumbun channel, or by land, through the northern part of Ceylon, with Trincomalee, and from thence with China and the Eastern Islands.

1892. Why do you particularly refer to the 14th century?—I do so because from the inquiries which I made many years ago, along with the late Colonel Colin Mackenzie, into the ancient history of the peninsula of India, I found that vessels of very considerable burthen used to pass through that channel until about the middle of the 14th century; that about that period one of the chiefs of the Marawar country, which is situated along the south-east coast of the southern peninsula of India, for the purpose of protecting his coasts from the attacks of the large Arab vessels which used to come from the Malabar coast, through the Paumbun channel, and plunder the towns he had upon the sea-shore, sunk a great many boats full of large stones and pieces of rock in that channel, and rendered it impossible afterwards for any large vessels to pass through it. On referring, in the year 1806, to some papers of my father-in-law, the late Lord William Campbell, who at the time he wrote them was serving as a lieutenant in the Indian squadron, I discovered that he had, about 30 years before that period, examined the Paumbun channel, and made several very curious observations upon it, and had come to the conclusion that in former days it must have been much deeper than it was then, and that it was practicable to deepen it again, so as to admit of vessels drawing from 10 to 12 feet water passing through it, as he states in a letter to his brother, the late Duke of Argyll, and Marshal Conway, who was at that time a member of the then administration. In 1807 I went all along the passage in a boat myself, for the purpose of examining it; and though I had no scientific man with me, I was led to the same conclusion as Lord William Campbell had been, from the observations which I myself made upon the spot, and from the information which I received from the Brahmins of Ramisseram, an island near the Paumbun passage.

1893. Do you think, from the information which you have collected upon the subject, that it would be practicable to render Cocheen, if the steam communication is once established between Great Britain and India, a useful port of trade; and that it will be of advantage to the southern part of the peninsula of India to make a water communication from the Malabar coast to the Coromadel coast?—From some papers upon the subject, which I procured from the Dutch archives of Cocheen, I think that Cocheen may become, if the steam communication between Egypt and India be permanently adopted, a port of considerable commercial importance to the trade of the southern peninsula of India, particularly if it should be found, upon further examination, to be practicable to make a water communication between the coast of Malabar and the coast of Coromandel, through the Pollichandcherry Pass. The trade between Egypt and the southern part of the peninsula of India was in ancient times carried on, I think, from the port of Adulis, with Cochin, and from thence by land through the Pollichandcherry Pass, with the ancient kingdom of Pandy, and all the other countries in the southern part of the peninsula of India.

1894. Do you recollect any estimate being made at the time for deepening the Paumbun pass?—A rough estimate was made at the time for me. It appeared that the expense of deepening the Paumbun channel, in the manner I have described, would amount to about 20,000*l.*; and that, by levying a small duty upon the vessels which were likely to pass through it, that sum might be repaid to Government in a few years.

1895. Do you conceive that great and advantageous moral and political changes will be produced in the condition of the natives of India by the establishment of a regular and frequent steam communication between England and every part of British India through Egypt?—I conceive it to be the most efficient measure which can be adopted for raising the moral and political character of the natives of British India, and for affording them those moral and political advantages which they have a right to expect to derive from their present connexion with Great Britain. It will, from the shortness of the passage, and from the interest which is attached by all persons to the countries through which the travellers must pass, induce many persons, as well Englishmen as foreigners, who otherwise never would have thought of doing so, to proceed to India, and make themselves acquainted with the history and people of that portion of Asia; and thereby call the attention of Europe in general, and of the British

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British public in particular, to every circumstance of importance which is connected with the subject. It must ultimately improve the nature of the British government of India, by enabling the natives of the country, without doing an injury to their religious habits and feelings, to come to England, and submit their opinions upon all public questions involving their public and private interests, directly to both Houses of Parliament; and thereby render it necessary for the local governments of India to consult the natives of the country on all questions in which their interests are concerned. It will secure for the natives an efficient system for the administration of justice throughout their country, by affording them, in case they think themselves aggrieved by any decision which has been given by any British court established in India, an easy way of getting their appeals to England with less delay and less expense than is the case at present. It will be the means of improving the minds and raising the character of the natives, by enabling them to observe upon the spot the practical effect of our religious, moral and political institutions, of our constitution, of the influence of the press, and of public opinion upon the Government, and of the share which each Englishman has, either directly or indirectly, in that Government. It will make them acquainted with the application of machinery and chemistry to agriculture and manufactures: it will give them a taste for the arts, science and literature of England, and a desire to introduce them amongst their countrymen. The effect which is likely to be produced upon the minds of those natives of India who may hereafter be induced to come to England may be fairly estimated from the effect which a residence in England has had upon the mind of Prince Jamh-ud-Din, a Mahometan, and a grandson of Hyder Ali, and upon that of the late Rammohun Roy, a Hindoo, and a Brahmin of high caste; the former having travelled through England, Scotland and Ireland, and having acquired a general knowledge of the country and its institutions, has, I understand, become a proprietor of India stock, and thereby qualified himself to take an active part in the British government of India. The latter, after having studied for some time with great attention the nature of our laws and institutions, gave some very important evidence relative to British India and his countrymen before a Committee of the House of Commons, and wrote an able pamphlet in favour of the regulation abolishing suttees at the time that regulation was discussed on an appeal against it before the King in Council. He told me that 18 Brahmins and four Rajpoots of his acquaintance, in different parts of India, had, in consequence of his having written to them an account of the manner in which he had been received in England, and of the knowledge which he had acquired since he had been in the country, authorized him, in the event of a steam communication being established between England and British India through Egypt, to purchase land for them in England, intimating to him their intention of coming and residing for some years in the neighbourhood of London, and making themselves acquainted, for the benefit of themselves and their countrymen, with our laws, science and institutions; and not long before his death, he one day when he was with me drew up in my presence the sketch of a work which he intended to write in imitation of Cicero's Tusculan Questions, and to circulate it throughout every part of India, purporting to be a Dialogue between a Brahmin from the Thames and a Brahmin from the Ganges, in which, after discussing our moral and political institutions, both Brahmins agree to recommend such of their countrymen as can afford it to come to England and acquire that degree of knowledge which is necessary to raise them to that moral and intellectual superiority which the Supreme Being has qualified them to enjoy in this world. He was very unwell at the time, and requested me, in case of his death before he could complete the work, to destroy the sketch, which I have done.

1896. Do you anticipate any danger to the British dominion from such improved knowledge?—I do not; I conceive that you cannot prevent the diffusion of knowledge throughout India, and that the surest way of retaining the dominion of the British Government over India is to establish a good system of education amongst the natives, and to give them such a share in the government of their country as may make them feel that they have a deep interest in the duration and security of that government.

1897. Mr. *Mullins.*] In the event of communication with India being limited, according to the plan at present determined on between the Government and the East India Company, do you suppose that the expenses that would

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be created by that limited intercourse would be much greater in proportion than if the intercourse was to be established upon a general and comprehensive plan?—Not having directed my attention to the subject, I do not feel myself competent to give an opinion upon it.

1898. Would the other presidencies have, in your opinion, just cause of complaint, and would they not feel very much annoyed if the communication was to be restricted to Bombay, and advantages thereby given to that presidency which other presidencies would not have it in their power to enjoy?—I certainly think they would have a most just cause of complaint.

1899. Do you not consider it a matter of much more importance that a direct communication should be established with Calcutta, being the chief of the presidencies, than with Bombay?—I myself think that a direct communication ought to be established with all the presidencies.

1900. If there was to be only one communication, is it not your opinion that the one with Calcutta would be far preferable to the one with Bombay, and that Calcutta would have greater claims?—If there was to be a direct communication with only one of the presidencies, I think it ought to be with that one which is of the greatest commercial and political importance.

1901. Do you suppose that in the event of there being a limited communication to Bombay only, passengers would be likely to avail themselves of that mode of communication to pass to Madras or Calcutta by land, in place of going by sea by the Cape of Good Hope?—I should think that single men would always prefer going to Bombay by the steam communication, and from thence by land to Madras and Calcutta; but that married men, with families, at least for the present, while the steam communication is in its commencement, would prefer going round the Cape of Good Hope by sea.

1902. You do not think it would be convenient for women or children?—I should think, from what I hear, that it is not at present convenient for women and for children.

1903. Is it your opinion that a greater number of passengers than at present go by the Cape of Good Hope would be likely to avail themselves of the quicker mode of communication with India now proposed?—I think a great number of travellers from England and from Europe are very likely to go to India now that a steam communication is established who would not have thought of going if they had been obliged to go to it by sea round the Cape of Good Hope.

1904. Do you suppose it likely that literary works would be despatched from this country in a much larger proportion than they are at present, in consequence of the greater facility of intercourse?—I think that a greater number of periodicals and literary works of that description are likely to be sent to India now that the passage is so short than there were when the only conveyance for them was round the Cape of Good Hope.

1905. Do not you think that, in relation to periodicals and that species of literary works, the speedy transmission of them would increase the sale?—I have no doubt it will.

1906. According to your consideration of the various advantages, commercial and other, likely to arise from a more speedy communication with India, is it your opinion that there ought to be a communication immediately established with the different presidencies, and not limited, as at present proposed, to one?—I am decidedly of that opinion.

1907. Can you form any idea of the superiority of the advantages, in point of return, that would be derived to India from a more general communication?—I have not directed my attention to the subject, and cannot venture to give an opinion upon it.

Jovis, 13° *die Julii*, 1837.

MEMBERS PRESENT.

Lord William Bentinck.	Mr. Mullins.
Mr. Gordon.	Lord Sandon.
Sir John Hobhouse.	

RIGHT HON. LORD WILLIAM BENTINCK, IN THE CHAIR.

Captain *Melville Grindlay*, called in; and Examined.

Capt. *M. Grindlay.*

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1908. *Chairman.*] YOU were in the Company's military service?—I was.

1909. How long were you on the Bombay establishment?—Fourteen years; I have been returned 20 years and more.

1910. Have you kept up any connexion with the officers of the civil and military Company's establishment in India since you returned?—A most extensive one. I have maintained correspondence with every part of British India, and I have constantly been associated in this country, both in matters of business and in social intercourse, with a wide circle of persons connected in almost every possible way with India; with some who have passed long periods there, and have finally quitted it; with others, whose absence is only temporary, and who propose to return; with others again, who are about to proceed thither for the first time, and with many who, though never resident in India, and never intending to reside there, are in various ways connected with it, and are intimately acquainted with the wants, wishes and feelings of the inhabitants both British and native. I may mention also that the circle to which I have alluded comprehends persons in different professional walks; members of the civil service, of the military service, and of the commercial community. I may, I believe, without incurring the imputation of undue assumption, say that my acquaintance with those interested in India and its people is little short of universal.

1911. Will you state what the feeling of those individuals generally is with respect to steam communication in India?—I know the feeling in favour of a regular system of steam communication to prevail almost without an exception, and that it is expressed with a degree of intensity very rarely excited by any public question in a country so little favourable to the development of moral or physical energy. The extension of this feeling has for some years past been progressive, as is well known to the Noble Chairman of this Committee, and the greatest disappointment would be felt if the desired boon were refused, or even unnecessarily delayed, or limited to Bombay only.

1912. How far would the Indian officers, civil and military, in your opinion, be disposed to avail themselves of the route by the Red Sea?—I have no reason to doubt that, in the first instance, perhaps the first year or two, there would be about one-fourth of the whole number of passages, which would gradually increase, as the accommodation became more constant, defined and certain, to four-fifths of the whole number, that is, provided only that it be extended beyond Bombay, to Madras and Calcutta.

1913. Do you give that opinion founded on any specific data or circumstances?—The circumstances on which I have founded that opinion are the frequent conversations I have had with gentlemen connected with India, contemplating their return, and the many applications I have had from them for information connected with it, and for the purpose of making arrangements to enable them to avail themselves of it, when it should become fixed and certain.

1914. What is your opinion of the relative expense between the passage round the Cape of Good Hope and the passage by the Red Sea?—I should think that it

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it would be about equal; probably the expense overland may be hereafter diminished, but that will very much depend upon the arrangements which are made, of which I can have no knowledge at present; I cannot entertain any doubt of it; they would gain much in point of time, and they would gain much in point of certainty; and in place of the unpleasantness and danger attending a passage by the Cape, they would enjoy a trip of pleasure on the Mediterranean. I say nothing of the opportunity of visiting places rendered interesting by historical recollections, although this would also operate with many, if not with the majority; but looking only to the superiority in point of speed, certainty and comfort, it appears to me incredible that such advantages should be rejected, if placed within reach.

1915. Would there be any difference with respect to the outfit?—In the equipment of officers in returning, I conceive there would be; because an officer returning by the Mediterranean and the Red Sea would require a much smaller sea stock, and that is a considerable portion of the expense of an equipment; he would probably send round to the presidency by sea the bulk of his baggage, and would require a very small portion with him; I think he would save by it. Steam navigation is undoubtedly more expensive than the ordinary mode, but then the time consumed in it is much less, and consequently the requisite outlay for the subsistence of the passengers will be much diminished. This applies especially to the class of passengers who usually pass between England and India. Where passengers are of a very humble class, and require only ordinary accommodation, the difference between keeping them one month or two, would not be great; but where they expect a high degree of comfort, and even some degree of luxury, the saving effected by the abridgment of time will be considerable. The comparative certainty of the passage also will enable a commander to proportion his supply of stores to the demand more accurately than when he has no means of judging, with any fair degree of probability, how long his voyage may last, and this will be another source of saving. With all these advantages, the passage by steam must still be expected at first to be somewhat higher than the present amount of charge; but wherever time is an object, and wherever comfort is an object, it will be cheerfully paid.

1916. Mr. *Mullins.*] Have you considered the comparative expense to the Company and the Government of a general communication with the different presidencies, and the particular communication as at present arranged to Bombay?—I am not prepared to speak with any degree of useful certainty on that part of the question; it does not lie within the reach of my ordinary routine of business; I can therefore only give an opinion formed on documents which have been before the Committee.

1917. Are you aware that, in a communication with Bombay alone, there must be a certain number of depôts and establishments for coals; for instance, hulks; and that, in the case of a general communication, there would be no necessity for any extra establishments to a certain extent?—I am aware of that; and it has appeared to me, in reading the documents and the evidence given, a very strong argument in favour of a comprehensive plan, that a very small proportional difference of expenditure will accomplish a much more advantageous result: I consider it worth any partial increase of expenditure. If the communication be confined to Bombay, its advantages will be in a great degree confined to Bombay also. The rest of India will gain something in the transmission of letters, but that will be all.

1918. And the increased expenditure, you think, would be met by a countervailing return?—I have no doubt of it. By confining the communication to Bombay, those who undertake it will lose nearly all the profit to be derived from the conveyance of passengers; and further, they will lose, even in a greater proportion, the profit, probably much larger, to be derived from the conveyance of goods of small bulk. Nothing but letters will be forwarded overland from Bombay, where a sea conveyance of any kind can be had. Now in a vessel of a proper description, there will be a considerable tonnage, (considerable, I mean, in relation to the object,) applicable to the stowage of goods of small bulk. This advantage must in some degree be lost during a part of the year on the Bombay line, from the necessity of carrying an extra quantity of coals while the moonsoon is at its height; but to and from Calcutta it is always available, and would be at once a source of great accommodation to the public and of profit

profit to the government. This advantage, as well as many others, will be lost, unless the more comprehensive plan be adopted. Capt. *M. Grindlay.*

1919. In India, you believe the feeling in favour of the comprehensive plan to be very strong?—It is as strong as any feeling of the kind can be, and is entertained almost universally. No other plan will afford either adequate accommodation or any general degree of satisfaction. 13 July 1837.

1920. *Chairman.*] Do you know that it is in contemplation at any of the presidencies in India to establish a steamer on private account?—I am led to conclude there is some intention of the kind, as a Bombay presidency gentleman, who arrived within the last two months, who came by the last overland route, applied to me for information regarding the purchase of steamers ready built, or the construction of them after a certain plan and dimensions, and he stated that it was contemplated by the commercial gentlemen of Bombay to run a steamer from it to Ceylon, touching at various ports on the Malabar coast; he has since informed me that nothing specific has been determined on.

1921. Have you heard that a steamer called the North Star is about to be sent out to Calcutta on private account?—I have heard of that.

1922. Do you anything of the establishment of a steamer at the Mauritius?—I do not.

1923. Or in Australia?—I have heard that there are some running backwards and forwards, and that they are considered of great value to the community.

1924. In your communication with officers belonging to the China trade, do you believe that the correspondents and passengers would take that line from Galle to Canton?—I have not had many opportunities of conversing with persons connected with China; but, from the general observations I have made, I am inclined to think passengers for all parts of the East would most gladly avail themselves of this route, if made comprehensive.

1925. Mr. *Mullins.*] Have you formed any opinion as to the size and power of the vessels it would be best to put on such stations?—I could not give an opinion that would be useful, not being sufficiently informed upon that subject.

1926. *Chairman.*] With regard to passengers, how far would those proceeding to and from Madras and Calcutta be benefited by a steam communication confined to Bombay?—Scarcely at all; speaking generally, none would submit to the fatigue and inconvenience of the land journey between either Madras and Bombay, or Calcutta and Bombay, if it could be avoided. Of those proceeding to India, the greater portion are not inured to the climate, nor accustomed to the modes of travelling. It is true that they must in many cases be compelled to undertake a land journey in order to arrive at their respective stations; but the necessity of making one disagreeable and dangerous journey can afford no reason for adding to it another, that may be avoided; on the contrary, as far as it affects the question at all, it operates the other way; it is an additional reason for avoiding land travelling, where it may be avoided. With regard to those quitting India, the case is still stronger; it is not too much to say that the majority of those returning from India is composed of females, children, and persons in ill health, who require all the ease and comfort that is attainable; to them a tedious and inconvenient land journey, and more especially if it is to follow one of a similar character, is out of the question; and the consequence will be, that those who stand most in need of the advantages of a steam passage, and who on the ground of humanity have the greatest claim to accommodation, will, under two of the presidencies, be deprived of that which is so desirable for them; they must submit to all the delay and inconvenience of a voyage by the Cape; and whatever their state of health, or the urgent necessity of their early arrival in England, they must pass four or five months on a passage which might be accomplished in less than two.

Major *C. F. Head,* called in; and further Examined.

1927. *Chairman.*] CAN you give any information respecting the Maldive Islands?—I hold in my hand a report, which was sent from Calcutta, of a survey made by Captain Moresby, of the Indian navy, in which it is shown that Heawandee Island, the head of the Maldives, is a place capable of receiving a steamer at all times of the year, and of affording safe anchorage; that it may be available at any time, and that it divides the distance between Socotra and Major *C. F. Head.*

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Point de Galle, so that the long stage would be only 1,173 miles, which is the distance from Zamarced to Heawandee Island; and the distance from Heawandee Island to Point de Galle is 426 miles; so that there is no stage between England and Calcutta having a distance of more than 1,200 miles. There is also a list, in the survey, of the population, and the number of boats in those islands, which shows that every facility can be afforded for steam vessels.

[*The Witness delivered in a Description of Heawandee Pholo, the Northern Atoll of the Maldive Islands, with a Map.—Vide Appendix.*]

The Honourable *Mountstuart Elphinstone*, called in; and Examined.

Hon. *M. Elphinstone.*

1928. *Chairman.*] WHAT is your opinion of the probable effects, political and moral, of a communication with India by steam?—I think the effect would be highly advantageous, both in a political and a moral view.

1929. Have the goodness to state the political advantages you would expect from it?—The most obvious is that of a ready transmission of intelligence and instructions during war, especially with an European power; but many inconveniences would also be removed by more speedy communication in matters relating to the internal government. Much time is lost in waiting for replies to references on ordinary subjects; and as there are various important points in which the government is restrained from acting without authority from the Court of Directors, opportunities must often be lost, and evils left uncorrected, during the time occupied in obtaining the requisite sanction. I am aware that a great part of this delay is occasioned by other causes than the slowness of the communication; but I think that if a speedy and certain channel were established, there would be greater dispatch in inquiry and decision than are likely to be while it is doubtful whether such exertions will be of any avail. Some bad consequences may follow an accelerated intercourse between the governments here and in India, but none which may not be avoided by care on the part of that in England. The authorities at home would probably forbear from availing themselves of the greater means of interfering with affairs, during their progress, which in almost all cases are better left to those on the spot. They might also be as much depended on as ever for taking time to consider of all proposals for great change, and for avoiding all such proceedings as were likely to diminish the importance and responsibility of the local governments.

1930. What do you conceive will be the effect of increased facility of communication on the members of the Company's service?—It may perhaps lead to inconvenience, by promoting appeals and the employment of private interest against the decisions of the local governments; but that will be more than compensated by the more frequent visits of the Company's servants to England, and the greater infusion of European ideas, which cannot fail to extend their views and increase their efficiency. It will also tend much to strengthen their connexion with their native country, the possible diminution of which has on former occasions given rise to serious apprehensions.

1931. What would be the effect of a ready intercourse on the other classes?—I do not think that the other classes would be so much affected by the improvement of steam communication as the Company's servants. It would not increase the number of settlers; for when a man has made up his mind to a permanent residence in India, a month or two more or less in the length of the voyage would make little difference to him. The same applies to missionaries, editors of newspapers, and others who are likely to give too great an impulse to discussion in India. It would probably increase the number of travellers, who will have the attractions of Egypt and Arabia, instead of the discouragement of a monotonous sea voyage. This will be useful, from its effects, in India, and still more so from the attention it will draw to that country, and the interest it will excite about it at home.

1932. What do you think will be the effect of a more easy communication with England on the natives?—I think it will have the best effects, though they may not be felt to their full extent at first. The real obstacles will not be much diminished; for after the effort necessary for a native to form the intention of visiting a country so remote and so unlike his own, the addition of a short time to his passage would not be likely to deter him; but there is a great deal in getting rid of the vague dread of a sea voyage; and although the overland journey,

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journey, as it is called, would prove to be almost entirely made by sea, yet, when once a native had been tempted to inquire into particulars, he would find the actual difficulties to be very small. The novelty of a steam conveyance will excite attention. Two or three successful visits will lead to more attempts; and it is to be hoped that the fashion will spread among the rich and educated classes. The advantage of the visits of such persons would be incalculable. More would be learned by an intelligent native during a year's residence here, than by many years' study in India; and each individual, on his return, might open more ideas to his countrymen than the ablest European could ever hope to do.

1933. Do you apprehend any ill consequence from the influx of natives into England?—No. There may be an increase of petitioners at the India House, which is troublesome, without being of much use, for their affairs are seldom such as the Court of Directors could interfere in; but if it is not required for redress of grievances, it is useful as a vent for discontent; and no man will undertake such a journey, with the knowledge that a year's residence will also, in all probability, be necessary in this country, unless he is actuated by strong feelings of the importance of his case. A greater evil would be, its teaching native princes and rich individuals to look to England, and to hope to effect, by intrigue and by private influence here, what they have failed to accomplish in India; but there is more to be feared from Europeans than from natives in such intrigues, and there is less chance of their being resorted to now than there was when this country was less known in India. It is also sometimes said, that a familiarity with the institutions of Great Britain would indispose the natives to obedience to the government in India; but I do not see that danger. If they only get a taste for popular government, or a disposition to legal assertion of their rights, it would be an improvement in their character; and with respect to factious feelings against the local government, I think they are more likely to acquire them in Calcutta than here, where they are less liable to be dazzled with the novelty of liberal opinions, and where they may observe that it is not so simple a matter to carry those opinions to their full extent as it seems at a distance. Besides, I do not think that there is any fear of disturbances in India from democratic principles. The real sources of danger there, are national prejudices and religious enthusiasm, both of which would be weakened by visits to England.

1934. What other effects do you think steam navigation would have in India?—I think the free communication, as far as it went, would be useful in many ways; merchants would have more facility in ascertaining the state of the markets, and manufacturers in suiting their productions to the native taste. The greater quickness with which books and instruments might be ordered, the greater ease in printing both native and European books, and, above all, the increased attention which we might hope the two countries would pay to each other's proceedings, would be the means of procuring important benefits to India. The effect of the more direct influence of the English press might have been questionable while that of India was restrained; but I think there is no doubt that it would be useful now. If the acts of the Indian government attracted notice in this country, the discussion of them by the newspapers attached to different parties would secure a more impartial examination of them than they might meet with in India; and if in the progress of colonization there should come to be any opposition of interest or feeling between the Europeans and natives, I think the natives would have a better chance of being treated with fairness in an English newspaper than in an Indian one.

The Right Honourable Lord *William Bentinck*, Chairman of the Committee, Examined.

Right Hon. Lord *Wm. Bentinck*, M.P.

1935. Sir *John Hobhouse.*] HAVE you prepared any statement with reference to an extended plan of steam navigation with India?—I have.

1936. Will your Lordship have the kindness to produce it?—I will state my opinion that subject. The total distance from Calcutta to Suez is 4,810 miles: supposing one voyage from Calcutta to Suez and back to be made monthly, the total distance is 115,440 miles; the distance from Bombay to Socotra is 1,210 miles; which for 24 voyages gives 29,040 miles. The whole distance will be 144,480 miles to be made by steamers.

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1937. Do you mean that that is the direct distance, or the distance it would be necessary for a steam-boat to take in order to make the voyage?—It is the direct distance. According to the calculation of Mr. Peacock, one steamer can perform only 16,000 miles per annum; but according to a calculation of the Peninsular Steam Navigation Company, one steamer can perform 24,000 miles. I have taken a variety of numbers of miles, between 16,000 and 24,000, as showing the number of steamers that would be necessary. Supposing a steamer to go 16,000 miles, there would be required nine steamers for the whole communication; supposing 18,000, eight; 20,000, seven; 24,000, six. I will assume ten steamers as a proper establishment for the comprehensive plan.

1938. When you say ten steamers, do you mean ten in employment, without any laid up to be occasionally employed?—I mean for the whole. The expense of two steamers, taken from the cost of the Hugh Lindsay, is estimated by Mr. Peacock at 22,000*l.* per annum; an estimate has been put in by Captain Brucks, a very old officer of the Bombay marine, with very minute calculations, giving the expense of each steamer under 17,000*l.* per annum. I know that the expenses of the Hugh Lindsay were very extravagant, as to the table, coals, and generally as to repairs and outfit; I will therefore take the estimate at 20,000*l.* per annum, which is 2,000*l.* less than Mr. Peacock, and 3,000*l.* more than Captain Brucks': the expense of ten steamers, at 20,000*l.* a year each, makes 200,000*l.* Then the profits I have estimated as follows: I conceive that the passengers in the first year would be 800; the second year, 1,200; and the third year, 1,600; total, 3,600; giving an average of 1,200 per annum. The whole number that go round the Cape of Good Hope, I think, are about 3,200 per annum. The passage-money I calculate as follows: Calcutta to Suez, 70*l.*; Madras, 65*l.*; Bombay, 60*l.*; giving a profit of 50*l.* on each passenger: 1,200 passengers, at 50*l.*, gives 60,000*l.*; 200,000 letters, at 1*s.*, between Suez and Calcutta, 10,000*l.*; freight, 50 tons, at 5*l.* (each vessel being calculated to give 100 tons), 6,000*l.*; parcels and periodicals, 100*l.*, for 24 voyages 2,400*l.*; despatches, 500*l.* for each voyage, 12,000*l.*; giving a total of 90,400*l.* The total charge, then, is 200,000*l.*; the profits, 90,000*l.*; leaving a deficit of 110,000*l.* I stated at the commencement of this inquiry that I thought no part of the expense for the communication between Suez and India should fall upon Great Britain. It was and is still my opinion, that with the aid of the naval establishments actually entertained in India, the whole charge of the comprehensive scheme, if managed only with common prudence, would be defrayed by the returns. I shall now explain this opinion. In Bengal, the Indian government, as was stated by Mr. Peacock, maintain three steamers: of these, however, I know that two, having been built as war-steamers during the Burmese war, and being heavy vessels and slow, are not fit for the packet service, and would require to be replaced. I would propose to allot two of these to the packet establishment, the third being kept for the Government service in the Bay of Bengal. This would create a deduction of 40,000*l.* In the same way, I would apply the Indian navy, the expense of which in 1833 was estimated at 180,000*l.*, and is now, as we were told by Mr. Peacock or Mr. Melville, reduced to 100,000*l.* I would convert these into five steamers, allotting three to the packet service, and two for general service. I am of opinion that they should be all employed in their turn, so that they may be worn out gradually, in order to be replaced by others of improved construction. From these two sources I gain five vessels, or 100,000*l.*: the total deficit is 110,000*l.*; deduct five vessels from existing establishments, 100,000*l.*; remaining deficit, 10,000*l.* But there is also the King's navy, which at present is totally unemployed and maintained at a considerable expense. There can be no reason why a great steamer, capable of transporting troops or of tugging troop-ships, such as are attached to the naval force in the West Indies and the Mediterranean, should not also be added to the East India station; nor is there any reason why the Royal navy should not take its share of the duty in the Persian Gulf. Three successive admirals have entertained this opinion. In fact, the whole of the naval force in the East Indies should be consolidated into one, and placed under the Admiralty, by which all distinction of Company's and King's government would be done away with, much efficiency gained, and much money saved.

1939. Are those calculations founded upon such data as you think are fairly to be relied upon?—I think they are.

1940. Your Lordship has given a great deal of attention to this subject while you were in India?—I have.

1941. Had

1941. Had you come to pretty much the same conclusions as are stated in that paper, with regard to that expense, when you were Governor-general of India?—No, I cannot say that I had.

1942. It is since your Lordship's arrival in England you have furnished yourself with the materials on which you have come to that conclusion?—Certainly.

1943. Has any portion of your opinion thereon been founded on the improved state of science, with reference to steam-boats?—Certainly, very much; I was not aware at all what steamers could do, till I came to ascertain the facts, and I have obtained more information during this inquiry than I possessed before.

1944. Your Lordship has stated that you think the Bombay marine should be altogether done away with, in order to devote whatever expense is now incurred for that object to the establishment of a steam communication?—Yes.

1945. One witness who has been examined on this Committee stated, that he thought that, in addition to the steam-boats that would be necessary for a flotilla, it would be advisable there should be a certain number of steamers, and a few only of the sailing vessels?—Two, he stated.

1946. Is your Lordship of opinion he is correct in that?—I do not conceive that the number he stated as necessary for the Persian Gulf to be correct, and I give this as a reason: he said that the four sailing vessels were sufficient for that purpose. Now, I conceive that a steamer and one vessel would be very much more efficient for the prevention of piracy than four common sailing vessels.

1497. Can your Lordship state any opinion as to the size of the steamers it would be advisable to employ in the Indian seas?—I should have them all of the same size as the Berenice; I think if they could be still larger it would be better. Her Majesty's steamer the Medea seems to be preferred by the best informed of the witnesses; but I am disposed to think that vessels of 1,000 tons would be the best adapted to this service; for convenience, certainly, of making the voyage under all circumstances; decidedly, for profit in the returns.

1948. Have the goodness to state whether you think the stations for the steam packets should be where the stations for the depôts of coal are?—The stations for the steam packets should be, starting from Calcutta, at Galle, Socotra, Mocha or Camaran. There might be subsidiary depôts of coal at the Maldives, at Perim, or any other intermediate port that might be determined on. I consider that Socotra should be the point of junction for the two vessels from Calcutta and Bombay.

1949. In what manner would you have the routes of the steam-boats divided; how far should one steam-boat go, and how far another?—It is the unanimous opinion of all the evidence that the steamers should be changed as often as possible. Therefore, the Calcutta steamer should not go further than Point de Galle; the Point de Galle steamer should be changed at Socotra; the Socotra steamer, at Camaran; in short, I would have three changes in the voyage.

1950. From your Lordship's experience, and your opportunities of inquiring when you were in India, and also in the passages you made on the Indian seas, connected with what you have since learned, you do not see any difficulties which may not be easily surmounted, with reference either to the ordinary state of navigation, or even the south-west monsoon?—When I was in India I certainly had doubts upon the subject; but since I have returned, and have made all the inquiries I have respecting it, and have ascertained what steamers with large tonnage and adequate power can effect, I do not think there is the least difficulty in the world. I think a voyage from Galle to Socotra, against the south-west monsoon, is more easy than that from Bombay to Socotra; but by running to the southward from Bombay, a steamer would fall exactly into the track of the Galle vessel. In point of time, the voyage round by Galle to Calcutta would be made in nearly the same as by sea from Socotra to Bombay, from thence overland to Calcutta; the route all the way by sea would perhaps be more regular and certain, because, during the monsoons, there are interruptions by land. The voyage by sea might perhaps be two, three or four days quicker; but I do not think it is a matter of any consequence. I think the advantage of the comprehensive plan is that, besides the general convenience, passengers would contribute a great proportion of the returns: a considerable part of the expense, even in the outset, would be paid from this source.

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1951. Do you think that, supposing the scheme were carried into effect, the great mass of Europeans going to and returning from India would prefer the short to the long voyage round the Cape of Good Hope?—I have no doubt of it; I think also there would be a very considerable addition to the number of passengers; at present all the passengers to India come from the United Kingdom exclusively; whereas I conceive that, from the continent of Europe, and from the tide of travellers generally, you would have a very great addition of numbers by the Red Sea to visit India.

1952. Your Lordship was understood to say, on other occasions besides this, there is in India among the European residents universally, and partially among the natives, a very general demand for the establishment of this extended communication?—It is universal among Europeans, and has spread also among the natives. Half of the 30,000*l.* that was subscribed in India for the furtherance of steam navigation with England came from natives; and although a part of the sum may have been given by the persuasion of Europeans, still I believe a very considerable proportion of that flowed from their own conviction of the benefit India might derive from being brought into a closer connexion with England, both commercially and politically.

1953. If some such scheme as that you recommend should not be carried into effect, in your opinion a general dissatisfaction will ensue?—There is no doubt of it; and the subject has been entertained in India now during the last five years. For three years of that time I was in India, and I can state the very general and intense desire for it among all ranks and classes; and I may perhaps state here, that nobody was more anxious about it than the Bishop of Calcutta; it was his opinion that it would tend very much to the extension of Christianity in India, and the general improvement of India; that opinion he expressed at a public meeting, and he has frequently expressed the same opinion to myself.

Veneris, 14° *die Julii*, 1837.

MEMBERS PRESENT.

Mr. D. Barclay.	Mr. Hutt.
Right Hon. Lord William Bentinck.	Mr. Mullins.
Mr. Gordon.	Lord Sandon.

RIGHT HON. LORD WILLIAM BENTINCK, IN THE CHAIR.

The Right Hon. Lord *William Bentinck*, Chairman of the Committee, further Examined.

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1954. Lord *Sandon.*] DO you consider that a speedy and regular communication by steam with all the ports in India will be productive of any moral or political advantage?—Very many, and very great. With respect to the moral advantage, I have already had the occasion, in India, of publishing my opinion; and I will now repeat it. The subscribers to the Madras Steam Fund addressed me a letter, in 1834, in which they stated their belief that this project would confer vast and incalculable benefits upon our country and mankind. I answered as follows: "I confess that my anticipation of the expected benefit goes far beyond the more obvious results, great as those undoubtedly would be, of improved government, of the welfare of the people, as effected by such improvement, of the promotion of commerce, and of what may be considered of minor importance, of the comfort of our own numerous countrymen, separated by such great distance of time and place from all connexion with their dearest interests. The limit assigned by the resolution is expressed by the large term of 'mankind,' and in my judgment appropriately and correctly; because the great want of this eastern world, India, China, &c., may be comprehended in the single word, 'knowledge.' If the moral condition and happiness of the most enlightened countries suffer from this cause, it can be easily conceived, that on this great space, where the human mind has been buried for ages in universal

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universal darkness, the task must be hopeless, unless the same means which have alone accomplished the object elsewhere are brought into action, and these means increased and enforced with all the encouragement that the Government authority can bestow. I look to steam navigation as the great engine of working this moral improvement. In proportion as the communication between the two countries shall be facilitated and shortened, so will civilized Europe be approximated, as it were, to these benighted regions; and in no other way can improvement in any large stream be expected to flow in. Past experience shows what we have to expect for the future. I shall take the liberty of enlarging upon this topic. For much more than half a century the British dominion has been established at the three Presidencies, over a great extent of territory, with a large dependent population. Examining attentively the intellectual condition of these numerous communities, it cannot be denied that little progress comparatively has been made in the acquisition of useful knowledge. There prevail throughout, as in the darkest ages of European history, the same ignorance and superstition, the same belief in witchcraft, the same confidence in charms and incantations, the same faith in astrology and omens, the practice of human immolation of all sexes and ages, and many other barbarous customs, opposed to true happiness, and repugnant to the best feelings that Providence has planted in the human breast. Again also, in the arts and sciences, in every branch of useful attainment, the ancient usages and learning retain their unimpaired sway. In medicine and surgery, in chemistry, in hydraulics, in mechanics, in civil engineering, in painting, sculpture, and music, we observe them all, with the exception of a few individuals of superior talents and ambition, remaining stationary in their primitive rudeness and ignorance. And yet, during this long interval, thousands of well-educated Europeans, deeply versed in all these branches of knowledge, have been succeeding each other, and domiciliated for years in the country. Why, it will be asked, had all this science, this learning, and this ability to impart instruction, passed away without leaving any trace or impress on the mind of India, although in no other part of the world does there exist greater quickness of intellect, a more eager thirst after knowledge, or superior aptitude to acquire it? The answer to this question is plain and obvious. The cause is to be found in the past principle of our rule, of rigidly precluding the free admission of Europeans to India; the direct consequence of which, whatever in other respects may have been its advantages, has been to dam up in a great degree the main channel of improvement into India. It may be assumed that 19-20th parts of the importation of Europeans have consisted of the Company's servants; they have had, of course, other duties to perform, occupying the whole of their time, and the fault lies not with them, if they have contributed little or nothing to this object. The government, indeed, may perhaps be accused of omission, and of not having done as much as they might; but I doubt, even with more exertion on their part, whether, while the same system lasted, much progress could have been made. All the improvements of the description to which I have been adverting, are exclusively due to the skill and enterprise of individuals, aided by the capital of the houses of agency. Every indigo and coffee plantation, the Gloucester mills, the works of every description that are moved by steam, the iron foundries, the coal-mines worked after the European fashion, and the other great establishments that we see around us in Calcutta, are so many great schools of instruction, the founders of which are the real improvers of the country; it is from the same sources that we must expect other schoolmasters of new and improved industry. The new charter will remove many obstacles, but steam communication far more. But with the opinion I entertain, that the extent of colonization, (as it is mistermed,) and the effects of it, have been very much overrated, I am convinced that the knowledge and instruction so much needed by India can never be sufficiently provided by European colonists and speculators only. The natives themselves must be encouraged to go to Europe, there to study in the best schools of all the sciences. This opinion I know to be entertained by some of the intelligent members of a committee now sitting at Calcutta, to consider the best means of educating the natives in the higher branches of medicine and surgery. The Pacha of Egypt has given a noble example in this respect to the rulers of rude and unlearned nations. The circumstances that have hitherto operated as a complete barrier against the intercourse of the natives with Europe, except the classes of sailors and of menial servants,

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have been, first, certain customs as to food prescribed by the Hindoo religion; and secondly, and mainly, the length, the expense and apprehension also of so long a voyage. In respect to the first of these obstacles, Rammohun Roy, who will be of illustrious memory among his posterity, has broken the ice; and I know that some, and I have no doubt that other, rich and well-educated natives are preparing to tread in his footsteps, with the same laudable desire of seeing what India may become, by what Europe, and especially England, is; and of raising their country by the same means from the moral and political degradation in which she is plunged. With respect to the second obstacle, which makes the attempt almost impossible to the great class of students, however willing, to those who are to be the practical operatives and the introducers of the new arts and sciences, and will become the best teachers of their countrymen, steam navigation, with the aid of Government, and of those interested in India's welfare, will go far to remove it. I was happy to learn from the same members of the medical committee, that natives thoroughly acquainted with the English language would, if assisted, be ready to embark immediately in that pursuit, and necessarily in others of the same utility. I will, therefore, conclude this too long detail by saying, that it is knowledge that is needed; knowledge is the beginning of wisdom; knowledge alone can raise this country to a higher standard among the nations of the world; and with the sentiments I have expressed, of the best and most effectual mode of attaining these great purposes, the steam committee are amply borne out, according to my firm conviction, in their resolution, 'that this project opens vast and incalculable benefits to our own country and to mankind.' The principal political advantages I will shortly state: First, great increase to our military power. The vast space we have to occupy and defend, and the consequent impossibility of quickly transporting troops from one point to another, has led to the necessity of having upon each portion of our territory a force sufficient for its protection, independent of all extraneous assistance. It is evident that, India forming a peninsula, and the monsoons offering no impediment to the access of steamers, large means of transport of this kind could always convey troops to the point menaced, and the whole army could thus be made available for the service of every portion of our dominions. The last overland mail brings an account of the arrival of the Atalanta at Bombay, and of her being dispatched three days afterwards with a whole native regiment to Mangalore, the seat of an insurrection. In Bengal, the river steamers will convey a reinforcement in three weeks, and safely, to Allahabad, situated at the junction of the Jumna and Ganges, and the central point of the upper and lower provinces of Bengal, which by the ordinary boats of the country could not have been done in less than as many months, and without much risk, the insurance to Allahabad being equal to that upon a whole voyage to England. When in India I recorded the opinion, which I repeat, that had the establishment of steamers now proposed been then in existence during the Burmese war, many thousand of lives, prodigious individual suffering, and millions of money, would have been saved to the state. It is not too much to assert, that under the peculiar local circumstances of India, with great space, no roads or canals, a very unhealthy climate, and with a sea-coast for its universal limit, one-fourth of the same military force, in co-operation with an adequate steam establishment, would be more efficient than the whole without it. If, moreover, the Pacha of Egypt could be induced, as some well-informed witnesses seem to consider practicable, to allow the passage of our troops through his country, a regiment or more from Malta might reach Bombay in five weeks. All this is power exercised in its most imposing character. Hyder Alli is said to have declared, that it was not what he saw, but what he did not see, that he was afraid of. I beg leave to put in an extract from a letter (*vide* Appendix) from the superintendent of steam vessels in the Ganges, upon the great success of that establishment, and as affording a certain degree of expectation of a similar result to the sea-going steamers. Secondly; the civil functionaries, who now come to India so young as to have acquired little European useful knowledge, and necessarily, from their position, too apt to contract arbitrary feelings and habits, would have easy means and should be encouraged to visit Europe, there to acquire liberal notions of the principles and practice of improved administration. Thirdly; the same salutary influence would operate upon our military officers. Subordination would be greatly promoted by the knowledge that the authority of the superior power at home could be quickly interposed; nor would courts

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courts martial have the same reluctance to do their duty, if all those considerations which distance so injuriously creates were removed. The comfort, the allegiance, the attachment of all to their native country would be more firmly maintained. Fourthly; but perhaps the most important benefit of all would be its tendency to place the security of our empire upon the only solid foundation, the general good will of those we govern. Our present position is this: we have conquered the whole of India; we have much above 100,000,000 of men under our direct and indirect rule; and it is universally allowed that our government has no hold upon the attachment of the people. I will introduce here, as more deserving the attention of the Committee than any opinion of my own, an extract from a minute of one of the most sagacious statesmen that India, or indeed any other country, has produced, the late Sir Thomas Munro, written in 1824, describing the effects of our government. 'If we make a summary comparison of the advantages and disadvantages which have occurred to the natives from our government, the result, I fear, will hardly be so much in its favour as it ought to have been. They are more secure from the calamities both of foreign war and internal commotion; their persons and property are more secure from violence; they cannot be wantonly punished, or their property seized by persons in power; and their taxation is on the whole lighter;' (my experience cannot confirm this latter opinion); 'but, on the other hand, they have no share in making laws for themselves, little in administering them, except in very subordinate offices;' (some amelioration has taken place in this latter respect, but not much;) 'they can rise to no high civil or military station; they are everywhere regarded as an inferior race, and oftener as vassals or servants than as the ancient owners and masters of the country.' This minute is full of able, wise and enlightened principles, and the same sentiments will be found to prevail in the recorded documents of two other most able and distinguished individuals, Sir John Malcolm, and the Hon. Mount Stuart Elphinstone. Sir Thomas Munro observes also, 'It is not the arbitrary power of a national sovereign, but subjugation to a foreign one, that destroys national character and extinguishes national spirit.' Successive foreign domination under Mahommedan emperors, for centuries, has been the sad lot of India; and it ought to have been a happy change in her fortunes, and no doubt will be, that she has become subject to a civilized, enlightened and Christian nation: but so far she has gained little by the transfer, except general peace and tranquillity, and the consequent capability of receiving the benefits of improved institutions and government. In many respects the Mahommedan surpassed our rule; they settled in the countries which they conquered; they intermixed and intermarried with the natives; they admitted them to all privileges, the interests and sympathies of the conquerors and conquered became identified. Our policy, on the contrary, has been the reverse of this; cold, selfish and unfeeling; the iron hand of power on the one side, monopoly and exclusion on the other. The bane of our system is not solely that the civil administration is entirely in the hands of foreigners; but that the holders of this monopoly, the patrons of these foreign agents, are those who exercise the directing power at home; that this directing power is exclusively paid by the patronage; that the value of this patronage depends exactly upon the degree in which all the honours and emoluments of the state are engrossed by their clients, to the exclusion of the natives. There exists, in consequence, on the part of the home authorities, an interest in respect to the administration precisely similar to what formerly prevailed as to commerce, directly opposed to the welfare of India; and consequently it will be remarked without surprise, that in the two renewals of the charter that have taken place within the last 25 years, in the first nothing was done to break down this administrative monopoly, and in the second, though a very important principle was declared, that no disability from holding office in respect to any subjects of the Crown, by reason of birth, religion, descent or colour, should any longer continue, still no provision was made for working it out; and, as far as is known, the enactment has remained till this day a dead letter. India, in order to become an attached dependency of Great Britain, must be governed for her own sake, not for the sake of the 800 or 1,000 individuals who are sent from England to make their fortunes. They are totally incompetent to the charge, and in their hands the administration, in all its civil branches, revenue, judicial, and police, has been a failure. Our government, to be secure, must be made popular, and to become so, it must consult the wel-

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fare of the many, and not of the few: the government must remain arbitrary, but it may also be, and should be, paternal. But how can this be effected? England has no knowledge of and no care for India. India, again, has no representatives in England, and has hitherto had no access to her shores; her fate is entirely in the hands of the two authorities with whom her management is vested. The Court of Directors seek their office for the sake of the patronage only; for the most part they are strangers to India; have their own separate affairs to manage; are divested of responsibility; but, from their permanency, and the knowledge which they derive from their numerous clients, they possess a power and influence over all affairs, which a temporary president of the Board of Control, unaided by any board possessing local information, cannot possibly control. It is much to be regretted, when the last charter was renewed, that these two bodies had not been amalgamated into one department, with a Secretary of State at its head, with a competent board like that of the Admiralty, possessing local experience and information; chosen, perhaps jointly, by the East India Company and the Crown, or Parliament, and paid out of the Indian revenues. It is through the means of a quick, safe and frequent communication between all India and England, that the natives of India in person will be enabled to bring their complaints and grievances before the authorities and the country; that large numbers of disinterested travellers will have it in their power to report to their countrymen at home the nature and circumstances of this distant portion of the empire. The result, I hope, will be to rouse the shameful apathy and indifference of Great Britain to the concerns of India; and by thus bringing the eye of the British public to bear upon India, it may be hoped that the desired amelioration may be accomplished. The following remark of Mr. Mill in his able history of India, is well suited to the present question: 'If the East India Company have been so little successful in ameliorating the practical operation of their government, it has been owing chiefly to the disadvantage of their situation, distant a voyage of several months from the scene of action, and to that imperfect knowledge which is common to them with all their countrymen.'"

APPENDIX.

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APPENDIX.

Appendix, No. 1.

PAPERS referred to in the Evidence of the Right Hon. Sir *John Hobhouse*, 15th June 1837.

(1.)

To *William Hutt*, Esq., M. P.

The REPORT of the Committee for promoting Steam Navigation with *India*.

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(1.)

Report of Committee for promoting Steam Navigation with India.

With reference to that part of the letter addressed to you by the Right Hon. Sir John Hobhouse, on the 27th August last, requiring that, "previously to giving any precise answer to the proposals made by the Company associated to promote steam navigation to India, it is indispensable that the King's Government and the Court of Directors should be made aware of the exact terms on which the Company intend to undertake the project in question," the provisional committee beg to report to you the plan and terms of the proposed undertaking, with a request that you will be kind enough to lay them before Sir John Hobhouse. The Company propose to dispatch, monthly, from England a steam vessel, of competent power and size, to touch at Cadiz, Gibraltar, Malta and Alexandria, taking to those places His Majesty's mail-bags, &c., as now performed by the Government vessels; the postage relating to those mails remaining, as at present, in the hands of His Majesty's Government. That the most efficient plan be adopted by the Company for the transmission of despatches, letters, &c. to India, across the Isthmus of Suez, to meet the proposed Company's vessels in the Red Sea, from whence, in the first instance, it is intended they should be forwarded to Bombay. That a vessel start also every month from Bombay to the Red Sea. That all Government despatches and letters to and from India, together also with a messenger, (if so required,) be taken free of every charge whatever, other than the general annual amount hereinafter stated; but all private letters, &c. be chargeable with a sea postage in favour of the Company, and the Company protected against private carriage of letters by parcels, &c., as exists in this country; the inland postage in respect of those letters to be in the hands of the Government. That the Government give the proposed Company a contract for a period of years to be agreed upon, and an annual sum of 40,000*l.* for performing the above services; the Company entering into a sufficient contract for the regular and proper fulfilment of their undertaking, subject to accustomed risks and liability. That the East India Company, in consideration of their despatches being carried by the proposed Company, pay 25,000*l.* per annum; a proper contract being also entered into with them for the fulfilment of the engagement.

The committee, anxious to afford every explanation to His Majesty's Government and the East India Company, have no hesitation in disclosing that their calculation of the expenses attending the performance of the undertaking, after allowing only 5 *l.* per cent. on capital, amounts to the annual sum of - - - - - - - - £. | 136,500

Required of the Government, as above - - -	£. 40,000		
Ditto - - East India Company, ditto - - -	25,000		
			65,000
Leaving a deficiency of - - - - - - - - £.			71,500

which the Company will defray. They will also find the necessary capital, which in the outset is estimated at 250,000*l.*; but, as the other presidencies are brought into the operation, an increased proportionate outlay will be required.

The provisional committee, in reply to that part of the letter of Sir J. Hobhouse requiring "that the Government should be made acquainted with the parties who are the *bonâ fide* members of the Company," have the pleasure of sending you a list of the parties who have already engaged to support this undertaking, embracing most of the principal houses connected with India in the city of London, to which place the measure has been as yet confined. The committee beg to explain to you, that the list of subscribers was only commenced on the 13th ultimo; that not an advertisement has been inserted to solicit subscriptions; that they have had to contend with a depressed state of the money market, and a period of the year when business is proverbially inactive. The committee have, how-

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(1.)
Report of Committee for promoting Steam Navigation with India.

ever, the satisfaction of stating their conviction that every subscription will be paid up, and that the list is now in course of signature at Liverpool, Manchester, Dublin, Glasgow, Edinburgh, &c., as well as in London; and from the anxiety which has been manifested in those places, as also in India, the committee entertain no doubt of their capital being forthcoming in a limited time; but if the sanction of the Government and the East India Company were once avowed, there would be no difficulty, even under existing circumstances, in forthwith completing the subscription. It will be seen that the amount already subscribed is more than sufficient to enable the Company to proceed with the operation, if the committee should decide upon the chartering of vessels, instead of building, for a portion of the route at the commencement of the undertaking, a course which may be deemed advisable. The committee, in conclusion, trust, on consideration of all the circumstances, they will be entitled to the determination of His Majesty's Government and the East India Company, as kindly promised in the letter from the President of the Board of Control, before alluded to.

By order of the Provisional Committee,

Charles F. Head, Chairman.

(2.)

LETTER from *W. L. Maberly*, Esq., to the Earl of *Lichfield*, Postmaster-general.

(2.)
Letter from W. L. Maberly, Esq.

My Lord, General Post-office, 3 February 1837.

I HAVE the honour to inform your Lordship that I have gone over the accompanying proposition from the Company associated to promote steam navigation to India, which has been transmitted by the Treasury for your Lordship's consideration.

The proposal of the Company stated shortly is, that they shall convey the correspondence of the kingdom, both public and private, to Bombay, by way of Alexandria and the Red Sea, by steamers, to be dispatched once a month from this country, and communicating with steamers stationed in the Red Sea, by overland conveyance across the Isthmus of Suez. For this service they demand a payment from the Government of 40,000 *l.* a year, and 25,000 *l.* from the East India Company; the remainder of the sum which they require to remunerate them, 71,500 *l.*, they expect to obtain by securing to themselves the monopoly of the sea postage on all private letters, the Company being protected against the carriage of letters by parcels in the same manner as the Post-office is at present. They propose also to carry mails to Cadiz, Gibraltar and Malta, thus superseding the regular packet to these places; but as I presume your Lordship will not go into the question with respect to its political importance, which is a matter rather for the consideration of the Government than the Post-office, I propose to confine the view I take of the subject to those points in which it concerns the Post-office as a revenue department, and to inquire what will be the gain and what will be the loss to the department if the proposition is adopted; thus treating it as a simple question of revenue.

Your Lordship is aware that the postage of letters to India is charged under a different Act of Parliament from that which regulates the postage of the kingdom generally; and as the great bulk of the correspondence to India is conveyed under the Act by private ship, it would be necessary, in order to come to a proper conclusion, that the Post-office should be aware what are the intentions of the Company with regard to the monopoly of sea postage which they demand, and whether they contemplate, by the expressions they have used, the withdrawal of the privileges of which the public are now in possession as to the conveyance of their letters to India.

In order, however, to test to its full extent the advantage to be derived from the proposition now submitted to your Lordship, I will assume that the Company intend to obtain a complete monopoly of the sea postage to India, and that the privilege of conveying letters by public or by private ships is to be enjoyed by them alone; it then remains to be determined how far their views of profit will be borne out by the actual amount of correspondence, and how far the sum of 136,500 *l.*, which they represent is absolutely necessary to be received to enable them to carry out their enterprise, is excessive or otherwise, as compared with that price which the Government, the East India Company and the public now pay for the execution of the service.

By returns which I have caused to be made out, and which are enclosed, the amount of postage of letters passing through Falmouth by the Mediterranean packet, for Cadiz, Gibraltar, Malta and Corfu, was, in 1834, 2,785 *l.*, in 1835, 3,507 *l.*, and in 1836, 3,411 *l.*; and on letters for India and Alexandria, for 1836, 2,275 *l.*; making an average of the whole on a year of 5,509 *l.*; and as we may fairly presume the letters received by this conveyance would equal in number those sent from England, this sum would be doubled, and the total amount of the correspondence carried by the Mediterranean packet may be taken at the present day at 11,018 *l.* for a year.

It is to be recollected that we have no means of ascertaining the number of franks; assuming it, however, at a fifth of the whole correspondence, (which would be a very high average,)

average,) it would amount to 2,203 *l.* in addition, making the outside correspondence by the packet 13,000 *l.*

This is only the amount that is carried by the packet; there remains to be added to it that number of letters which are taken by private ships, under the 59 Geo. 3, c. 111, and which form by far the greater portion of the correspondence between this country and India. Your Lordship is aware that, by the provisions of this Act, there is no necessity to forward letters to India through the Post-office; and the return, therefore, which is enclosed, of letters sent to India by private ships from the Post-office, will afford no adequate idea of the number of letters. As, however, all letters on their being landed from India are forced by law to be brought to the Post-office, with the exception of the letters to the Government departments and the East India-house, which are sent in boxes, and of which the number cannot be accurately known, and also those of owners and consignees, which they may receive without the intervention of the Post-office, under certain limitations, the amount of return postage to England from India will afford a tolerably fair criterion of the correspondence by private ship as it exists at present. The amount, as given in the annexed return, which has been carefully prepared in the Ship-letter Office, shows a sum of 13,500 *l.* in round numbers, which, doubled in the same way as before, on a supposition of the letters sent being equal in number to those which have been received, makes a total of 27,000 *l.* To this, if we add a fourth for letters not bearing postage, as it is necessary to take a larger proportion in this than in the case of the packets, in order to include those of consignees, we have a total of 33,750 *l.* as the value of the correspondence by private ships. I have before shown that the correspondence by packet may be taken at 13,000 *l.* in round numbers; the total amount of postage, therefore, by packet and private ships combined, whether paid by Government or by the public, may be estimated at 46,750 *l.*

Perhaps in stating this sum I have made too high an estimate, inasmuch as the rate of ship postage to India being only 2 *d.*, while that from India is 4 *d.*, for sea conveyance, in taking the letters from India as my basis on which to form a calculation of the amount of correspondence, the sea postage on letters to India is overstated one-half, 4 *d.* being assumed, instead of 2 *d.*; but as this amount would be small as compared with the inland postage, I have thought it better to leave it as it is, rather than complicate the subject with matters which would not materially affect the question.

This sum of 46,750 *l.* is the whole amount of postage to and from India and the parts in the Mediterranean alluded to, and includes, as your Lordship will perceive, both the inland and the sea postage.

But, by the plan referred to you by the Treasury, you will see that the Company purpose to leave the inland postage in the hands of the Government; and this amount, therefore, has to be separated from the 46,750 *l.*, the total value of the correspondence as it at present exists. On the first portion of this sum, the 13,000 *l.*, conveyed by packet, the inland postage cannot be given, the packet rate being a fixed sum, and combining both charges together, so as to give us no means of dividing them. With regard to ship letters, however, the inspector of those letters informs me that, taking one with another, on the average, the rates of 2 *d.* and 4 *d.* on the numbers conveyed will afford a very fair estimate of the amount of sea postage; and the actual number being about 150,000, the sea postage, inwards and outwards, of 4 *d.* and 2 *d.* respectively, is 3,750 *l.*, to which add a fourth for franks, 937 *l.*, and we have a total amount of 4,700 *l.* in round numbers. This, therefore, would be the sum the Company would receive, in addition to the packet postage, 13,000 *l.*; though it appears to me that the Government could not allow them to receive the whole of this sum, inasmuch as I have before stated it includes inland as well as sea postage; but even supposing they did, these two amounts combined, 17,700 *l.*, would be the whole the Company would receive for the complete monopoly of the postage to India, as it at present exists, after the repeal of the India Act, and the abolition of those privileges of which the public have been so long possessed.

The sum of 17,700 *l.* being the whole amount of the postage by sea, supposing that no official correspondence went free, I think I am taking an exaggerated estimate of the cost to the Government and the East India Company of the conveyance of their correspondence at present, in assuming it to be a fourth of this amount, viz. 4,500 *l.*; and the Company having proposed that they should receive the sum of 40,000 *l.* from the Government, and 25,000 *l.* from the East India Company, for the execution of this duty, I need not point out to your Lordship how enormous this demand is, as compared with the value of the service to be performed, and how impossible it is that the Government, looking at it as a revenue question, could for a moment entertain the proposition. It should, however, in fairness, be stated, that the Mediterranean packet would be no longer necessary, and that this expense, whatever it is, would be saved; and to this extent the Company would seem entitled to credit, as relieving the Government from expense: still, on the other hand, as the packet postage amounts to 13,000 *l.*, that sum should be taken in diminution of the saving, which in reality is only the difference between 13,000 *l.* and the actual cost of the packets, whatever it may now be, which we have no means of ascertaining.

Your Lordship will at once perceive, that if it is impossible to entertain this proposition as regards the Government and the East India Company, it is equally impolitic that it should be carried into execution as regards the public. The whole of the sea postage at present paid, both by Government, the East India Company and the public, it has been

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(2.)
Letter from W. L. Maberly, Esq.

seen amounts to 17,700 *l.*; while the Company estimate in their calculation that they cannot convey the correspondence profitably under an expenditure of 131,000 *l.*, of which 71,000 *l.* is to be paid by private individuals. As 13,200 *l.* is the sum now paid, viz., what remains after deducting 4,500 *l.*, the cost of the correspondence of the Government and the East India Company, the public must be made to pay the difference between this and 71,500 *l.*, viz. 58,300 *l.*, in the shape of additional postage, in order to enable the Company to carry their project into execution; in other words, the rate of postage must be increased 450 per cent.; and it will be for your Lordship to decide whether the expedition with which part of the letters would be conveyed (it will not be applicable to all) would counterbalance, in the opinion of the public, such an enormous increase of taxation. I have said it would not be applicable to all, inasmuch as the letters to the Mediterranean would not be accelerated at all; while I doubt whether those to Calcutta and Madras would arrive at a much earlier period than the letters sent direct to those ports by private ships. My own opinion is, that, instead of there being an increase, there would be a falling off, that the revenue would be largely defrauded, and that the public, while they availed themselves to a very small degree of the more expeditious means of conveyance, would complain, and not without great justice, of the abolition of the privileges they have enjoyed for so long a period of time.

Your Lordship will perceive how insignificant the results would be, on the supposition that the Company possessed a complete monopoly, and that on any other supposition than this the project is altogether fallacious. I have no reason to imagine that they contemplated such a monopoly, but have been anxious to make the calculation in the manner most favourable to them; and if such are the results, viewing it in this light, I leave your Lordship to judge how utterly hopeless they must be, if the India Act remain unrepealed. However great, therefore, the advantage to be derived from the proposition made by the Company, in a political point of view, as a Post-office question I cannot recommend your Lordship to entertain it, inasmuch as it cannot be profitable to the Company undertaking it, and would be a never-failing source of complaint with the public, from the withdrawal of their privileges, while the sum that is demanded from the Government is altogether out of proportion with the value of the service to be performed, and the cost at which it is at present executed.

All which is humbly submitted by

(signed) *W. L. Maberly.*

P. S.—I have not included in these calculations the ship letters landed in Ireland or Scotland. In the former they amounted in the last year to 2,419 *l.*; the sea postage on which would be about 33 *l.* In Scotland the India letters are not kept separate from the others, and no account can be given; but it is perfectly clear that the amount, whatever it is, must be so insignificant as not to affect in the slightest degree the calculation I have made.

(3.)

(3.)
Postage of Letters passing through Falmouth.

AN ACCOUNT of the POSTAGE of LETTERS passing through *Falmouth* by the Mediterranean Packet.

	Year ended October 1834.	Year ended October 1835.	Year ended October 1836.
	£. s. d.	£. s. d.	£. s. d.
Cadiz - - - - -	820 11 5	811 19 6½	703 8 3
Gibraltar - - - - -	1,114 17 11	1,603 18 –	1,527 14 8½
Malta - - - - -	549 19 2	670 4 11½	694 2 6½
Corfu - - - - -	300 9 8	421 14 10	486 8 10
£.	2,785 18 2	3,507 17 4	3,411 14 4

	£. s. d.
Amount of Letters for India in year ended October 1836 - - -	990 7 4
Ditto - - - Alexandria - - - ditto - - - - -	1,285 1 1
£.	2,275 8 5

The average time occupied in conveying the Mail from Falmouth to Alexandria is about 24 days.

(4.)

(4.) Letters, &c. received by Private Ships.

A RETURN of the Number and Amount of Letters and Newspapers received by Private Ships from the Island of *Ceylon*, and the Three Presidencies of *Bombay*, *Madras* and *Calcutta*, in the Three Years ending 5th October 1834, 1835 and 1836.

	1834.			1835.			1836.		
Ceylon:	*No.*	£.	*s.* *d.*	*No.*	£.	*s.* *d.*	*No.*	£.	*s.* *d.*
Letters	4,952	516	12 9	3,269	292	12 –	5,667	591	16 7
Soldiers and seamen	584	7	6 –	370	4	12 6	650	8	2 6
Newspapers	490	12	13 –	389	10	13 –	667	5	9 1
Franks	253	-	- -	176	-	- -	294	—	
	6,279	536	11 9	4,204	307	17 6	7,278	605	8 2
Bombay:									
Letters	29,583	2,613	5 5	34,943	2,840	3 9	27,914	2,324	16 –
Soldiers and seamen	2,924	36	11 –	1,879	23	9 9	1,810	22	12 6
Newspapers	1,477	38	1 3	1,800	46	7 3	1,566	19	2 4
Franks	1,552	-	- -	1,883	-	- -	2,016	—	
	35,536	2,687	17 8	40,505	2,910	– 9	33,306	2,366	10 10
Madras:									
Letters	23,211	2,497	4 10	29,189	2,682	19 10	29,424	2,744	3 8
Soldiers and seamen	3,205	40	1 3	4,861	60	15 3	5,105	63	16 3
Newspapers	1,737	44	6 3	2,167	56	3 6	2,642	24	7 9
Franks	1,218	-	- -	1,521	-	- -	1,549	—	
	29,371	2,581	12 4	37,738	2,799	18 7	38,720	2,832	7 8
Calcutta:									
Letters	74,513	7,152	13 5	72,955	6,446	12 1	86,499	7,548	12 4
Soldiers and seamen	3,498	43	14 6	2,205	27	11 3	2,291	28	12 9
Newspapers	5,816	149	3 –	5,899	151	– 9	7,774	68	7 1
Franks	3,920	-	- -	3,835	-	- -	4,047	—	
	87,747	7,345	10 11	84,894	6,625	4 1	100,611	7,645	12 2
Total:									
Letters	132,259	12,779	16 5	140,356	12,262	7 8	149,504	13,209	8 7
Soldiers and seamen	10,211	127	12 9	9,315	116	8 9	9,856	123	4 –
Newspapers	9,520	244	3 6	10,255	264	4 6	12,649	117	6 3
Franks	6,943	-	- -	7,415	-	- -	7,906	—	
	158,933	13,151	12 8	167,341	12,643	– 11	179,915	13,449	18 10

Ship Letter Office, 13 Jan. 1837.

(signed) *G. R. Huddlestone*, Inspector.

(5.)

(5.) Letters, &c. sent by Private Ships.

A RETURN of the Number and Amount of Letters and Newspapers sent by Private Ships to the Island of *Ceylon*, and the Three Presidencies of *Bombay*, *Madras* and *Calcutta*, in the Three Years ending 5th October 1834, 1835, 1836.

	1834.			1835.			1836.		
Ceylon:	*No.*	£.	*s.* *d.*	*No.*	£.	*s.* *d.*	*No.*	£.	*s.* *d.*
Letters	1,184	62	18 3½	1,225	58	6 7	1,362	70	9 6
Soldiers and seamen	2,984	12	8 8	2,878	11	19 10	2,730	11	7 6
Newspapers	2,850	22	18 9	2,926	21	18 9½	4,042	26	6 5½
Franks	1,621	-	- -	1,297	-	- -	1,539	—	
	8,639	98	5 8½	8,326	92	5 2½	9,673	108	3 5½

Appendix, No. 1.

(5.) Letters, &c. sent by Private Ships.

	1834.				1835.				1836.			
BOMBAY:	No.	£.	s.	d.	No.	£.	s.	d.	No.	£.	s.	d.
Letters	5,504	319	1	4½	5,054	319	5	4½	5,125	301	6	10
Soldiers and seamen	3,115	12	19	7	3,571	14	17	7	3,370	14	–	10
Newspapers	14,534	99	12	1	15,108	105	10	9	14,660	125	19	8
Franks	973	-	-	-	1,129	-	-	-	923		—	
	24,126	431	13	–½	24,862	439	13	8½	24,078	441	7	4
MADRAS:												
Letters	9,254	529	11	10	9,101	509	11	–½	8,577	476	3	6
Soldiers and seamen	5,564	23	3	8	4,914	20	9	6	5,154	21	9	6
Newspapers	18,493	141	9	11½	19,347	142	13	5	20,012	132	10	–½
Franks	1,974	-	-	-	1,888	-	-	-	1,727		—	
	35,285	694	5	5½	35,250	672	13	11½	35,470	630	3	–½
CALCUTTA:												
Letters	14,314	873	18	6	13,207	776	10	4	14,132	834	18	9
Soldiers and seamen	6,663	27	15	3	6,906	28	15	6	7,166	29	17	2
Newspapers	14,504	108	13	–	16,297	113	10	6	19,406	123	2	11½
Franks	2,208	-	-	-	1,931	-	-	-	2,008		—	
	37,689	1,010	6	9	38,341	918	16	4	42,712	987	18	10½
TOTAL:												
Letters	30,256	1,785	10	–	28,587	1,663	13	4	29,196	1,682	18	7
Soldiers and seamen	18,326	76	7	2	18,269	76	2	5	18,420	76	15	–
Newspapers	50,381	372	13	9½	53,678	383	13	5½	58,120	407	19	1½
Franks	6,776	-	-	-	6,245	-	-	-	6,197		—	
	105,739	2,234	10	11½	106,779	2,123	9	2½	111,933	2,167	12	8½

(6.)

(6.) Despatches sent and received by Private Ships.

A RETURN of the Number of Bags and Boxes of Despatches sent to and received from *Ceylon*, *Bombay*, *Madras* and *Calcutta*, by Private Ships, in the Three Years ending 5th October 1834, 1835, 1836.

	1834.			1835.			1836.		
	Bags.	Boxes.	Supposed Number of Letters.	Bags.	Boxes.	Supposed Number of Letters.	Bags.	Boxes.	Supposed Number of Letters.
Outward	13	-	910	13	-	910	14	-	980
Inward	25	34	4,130	22	38	4,200	24	37	4,270

Ship Letter Office, 17 Jan. 1837.

(signed) *G. R. Huddlestone*, Inspector.

(7.)

(7.) Letters landed in Ireland.

A RETURN of the Number and Amount of Letters landed at the Ports in *Ireland*, from the Presidencies in *India*, viz. *Madras*, *Bombay*, *Calcutta* and *Ceylon*, for One Year, ended 5th January 1837.

	NUMBER.	AMOUNT.
Madras	—	—
Bombay	1,332	—
Calcutta	1,087	—
Ceylon	—	—
	2,419	—

(signed) *Anthony Lyster.*

Note.—The postage cannot be stated, as they all appear to have been "forward letters," with very few exceptions.

(8.)

Appendix, No. 1.

(8.) Mr. Calvert's Proposition.

Mr. Calvert's proposition is, that His Majesty's Government shall establish steamers between Marseilles, Malta and the Levant, in opposition (as it may be inferred) to a similar establishment which has been sanctioned and is to be carried into effect by the French government.

Without reference to the nationality of the vessels to be employed on the new station, the advantages proposed to Great Britain, by sending British correspondence *via* Marseilles, instead of continuing the present arrangement by steamer from Falmouth through the Straits of Gibraltar, appear to be the following:

1st. Expediting the conveyance of correspondence from London to Malta by 10 days, or one-half the present time, so that answers may be received in London from Malta in 24 days, instead of 56 days,* making a difference of 32 days.

2d. The advantage gained by the saving of ten days' time to Malta will be felt in the further conveyance of correspondence either to Greece, Turkey, Syria, Egypt and India; and although it is not held out that answers can be received from these places in an equal ratio of speed, unless an additional number of steamers be employed, yet the increased rapidity in the transmission of correspondence from London will be of material importance to British interests, both at home and at the place of destination. But Mr. Calvert proposes to extend his plan, and ensure a speedy and regular conveyance of correspondence between Malta and Athens and Constantinople, so that letters should reach Athens from London in 14 days, and Constantinople in 17 days, answers from both places being received in London in 41 days.

In this way the letters to Constantinople would avoid the continental post-offices.

3d. Besides the saving of time in sending to and from India, to which Mr. Calvert draws especial attention, on account of the importance of reducing in point of time the distance between Great Britain and our oriental possessions, he assumes that greater certainty in the amount of time will be ensured by the new arrangement, and that the object for which a steamer has been established at great expense on the Red Sea, namely, the acceleration of the communication with India, will thus be materially promoted.

4th. It is stated that by abolishing the present steamers from Falmouth, and sending the mail (by messenger) through France, a great saving of expense will be effected.

This messenger, therefore, must be a post-office messenger, and not the "*courier de cabinet*," known abroad. A question appears to arise on this point, whether such an arrangement would be permitted by a foreign government. It would be, in fact, a British transit post through France, independent of the French post-office.

It may here be observed, however, that the French plan is to make Malta the central point of rendezvous of their several steamers; and in such case, if the French letters do not go through the Malta post-office, the French mail will pass in transit through Malta, which is what Mr. Calvert proposes for the British mail through France.

5th. Unless the new plan of transmission from London be adopted, London merchants may suffer materially from the greater rapidity with which intelligence will be conveyed from the continent to the correspondents of foreign houses in the ports of destination than that from hence, unless London merchants send by the French conveyance, and then the British revenue would suffer.

6th. Passengers going to Malta from Marseilles will avoid the quarantine which is now imposed at Malta on arrivals from Gibraltar,† in consequence of the free communication between Gibraltar and Barbary.

It appears, upon a review of Mr. Calvert's plan, that several advantages might be derived if the Marseilles route could be adopted; but such an arrangement could of course only last during peace with France; and in the event of a rupture with that country the old plan must be resumed.

France will in the mean time acquire a considerable increase in the numbers and experience of her steam navy. It has been suggested, that it is with this view that the French government has undertaken the project. On the other hand, the regular conveyance of despatches direct to Constantinople by steam might be of great advantage in the event of any rupture with other continental powers, so long as France and England remain allies.

It is not exactly shown why, as may be inferred, the British arrangement should be rather an opposition plan, than one in conjunction with the French plan. If it is in opposition, every obstacle will naturally be thrown in its way by France; whereas, if the two countries acted conjointly in this matter, to which it may be supposed that there can be little objection, greater advantage and speed would be insured. This part of the plan is not sufficiently explained, and the Foreign office cannot judge as to the details respecting expense and time, which are Admiralty and Post-office questions.

But there are sufficient grounds for referring the paper to both those departments for consideration and opinion.

* The Post-office, however, only estimate it at 53 days.

† The Falmouth steamer always touches at Gibraltar.

(9.)

TABLE showing the Organization of the Packet Service, the Postage of Letters so transmitted, and the Rate of Postage per Head.

1.	2.	3*.	4.	5.		6.		7.	8.	9.	10.		
PLACES OF		Postage of a Single Letter.	Distance by Sea.	Time (excluding delays.)		Average Stay at Points of Destination.		Price of Passage per Head.			Day and Hour of the Arrival and Sailing of the Packets in each Column.		
Departure.	Destination.							First Class.	Second Class.	Third Class.			
		Fr.	Leag.	Da.	Hs.	Da.	Hs.	Fr.	Fr.	Fr.			
Alexandria.	Athens	1	173	3	2	–	14	156	104	52			
	Civita Vecchia	2	481	8	14	–	6	433	289	144			
	Constantinople	1	283	5	5	1	15	255	120	85			
	Livourne	2	519	9	16	–	7	467	311	156	Boat from Syra	Reaches Alexandria	The 4, 14 and 24 of each month, at 10 P.M.
	Malta	2	322	5	18	–	–	290	193	97		Leaves Alexandria	The 6, 16 and 26 of each month, at 4 P.M.
	Marseilles	2	598	10	16	–	–	538	359	179			
	Naples	2	431	7	17	–	6	388	259	129			
	Smyrna	1	200	3	13	1	–	180	120	60			
	Syra	1	150	2	16	–	12	135	90	45			
Athens.	Alexandria	1	173	3	2	1	18	156	104	52			
	Civita Vecchia	1	354	6	8	–	6	319	212	106			
	Constantinople	1	156	2	23	1	15	140	94	47			
	Livourne	1	392	7	–	–	7	353	235	118	Boat from Syra	Reaches Athens	The 10, 20 and 30 of each month, at 6 A.M.
	Malta	1	195	3	12	–	–	176	117	59		Leaves Athens	The 10, 20 and 30 of each month, at 8 P.M.
	Marseilles	2	471	8	10	–	–	424	283	141			
	Naples	1	304	5	11	–	6	274	182	91			
	Smyrna	1	73	1	7	1	–	66	44	22			
	Syra	1	23	–	10	–	12	21	14	7			
Civita Vecchia.	Alexandria	2	481	8	14	1	18	433	289	144			
	Civita Vecchia	1	354	6	8	–	14	349	212	106	Boat from France	Reaches Civita Vecchia	The 4, 14 and 24 of each month, at 3 A.M.
	Constantinople	2	474	8	11	1	15	427	284	142		Leaves Civita Vecchia	The 4, 14 and 24 of each month, at 10 A.M.
	Livourne	1	38	–	16	–	7	34	22	11			
	Malta	1	159	2	20	1	–	143	95	48			
	Marseilles	1	117	2	2	–	–	105	70	35	Boat from Constantinople	Reaches Civita Vecchia	The 2, 12 and 22 of each month, at noon.
	Naples	1	50	–	21	–	6	45	30	15		Leaves Civita Vecchia	The 2, 12 and 22 of each month, at 6 P.M.
	Smyrna	2	381	6	19	1	–	343	229	114			
	Syra	1	331	5	22	–	12	298	199	99			
Constantinople.	Alexandria	1	283	5	5	1	18	255	170	85			
	Athens	1	156	2	23	–	14	140	94	47			
	Civita Vecchia	2	474	8	11	–	6	427	184	142			
	Livourne	2	312	9	3	–	7	461	307	154	Boat from France	Reaches Constantinople	The 5, 15 and 25 of each month, at 9 A.M.
	Malta	2	315	5	15	–	–	284	189	95		Leaves Constantinople	The 6, 16 and 26 of each month, at midnight.
	Marseilles	2	591	10	13	–	–	532	355	177			
	Naples	1	424	7	14	–	6	382	254	127			
	Smyrna	1	93	1	16	2	–	84	56	28			
	Syra	1	133	2	13	–	12	120	80	40			
Livourne.	Alexandria	2	519	9	16	1	18	467	311	156			
	Athens	1	392	7	–	–	14	353	235	118	Boat from France	Reaches Livourne	The 3, 13 and 23 of each month, at 3 A.M.
	Civita Vecchia	1	38	–	16	–	8	34	23	11		Leaves Livourne	The 3, 13 and 23 of each month, at 10 A.M.
	Constantinople	2	512	9	3	1	15	461	307	154			
	Malta	1	197	3	12	1	–	177	118	59			
	Marseilles	1	79	1	10	–	–	71	47	24	Boat from Constantinople	Reaches Livourne	The 3, 13 and 23 of each month, at 10 A.M.
	Naples	1	88	1	13	–	6	79	53	26		Leaves Livourne	The 3, 13 and 23 of each month, at 5 P.M.
	Smyrna	2	429	7	11	1	–	377	251	126			
	Syra	2	319	6	14	–	12	332	221	111			
Malta.	Alexandria	2	322	5	18	1	18	290	193	97			
	Athens	1	195	3	12	–	14	176	117	59	Boat from France	Reaches Malta	The 7, 17 and 27 of each month, at noon.
	Civita Vecchia	1	159	2	20	–	6	143	95	48		Leaves Malta	The 8, 18 and 28 of each month, at noon.
	Constantinople	2	315	5	15	1	15	284	189	95			
	Livourne	1	197	3	12	–	7	177	118	59			
	Marseilles	1	276	4	22	–	–	248	166	83	Boat from Constantinople	Reaches Malta	The 4, 14 and 24 of each month, at 10 P.M.
	Naples	1	109	1	23	–	6	98	65	33		Leaves Malta	The 9, 19 and 29 of each month, at 10 A.M.
	Smyrna	1	222	3	13	1	–	200	134	67			
	Syra	1	172	3	2	–	12	155	103	52			
Marseilles.	Alexandria	2	598	10	16	1	18	538	559	179			
	Athens	2	471	8	10	–	14	424	283	141			
	Civita Vecchia	1	117	2	2	–	8	105	71	35			
	Constantinople	2	591	10	13	1	15	532	355	177	Boat from Constantinople	Reaches Marseilles	The 5, 15 and 25 of each month, at 7 A.M.
	Livourne	1	79	1	10	1	7	71	47	24		Leaves Marseilles	The 1, 11 and 21 of each month, at 5 P.M.
	Malta	1	276	4	22	1	–	248	166	134			
	Naples	1	167	2	23	–	6	150	100	50			
	Smyrna	2	498	8	21	1	–	448	299	149			
	Syra	2	448	8	–	–	12	403	269	134			

2, PLACES OF		3*.	4.	5.		6.		7.	8.	9.	10.
Departure.	Destination.	Postage of a Single Letter.	Distance by Sea.	Time (excluding delays.)		Average Stay at Points of Destination.		Price of Passage per Head. First Class.	Second Class.	Third Class.	Day and Hour of the Arrival and Sailing of the Packets in each Column.
		Fr.	Leag.	Da.	Hs.	Da.	Hs.	Fr.	Fr.	Fr.	
Naples.	Alexandria	2	431	7	17	1	18	388	259	129	
	Athens	1	304	5	11	–	14	274	182	91	Boat from France: Reaches Naples — The 5, 15 and 25 of each month, at 7 A.M.
	Civita Vecchia	1	50	–	21	–	6	45	30	15	Boat from France: Leaves Naples — The 1, 11 and 21 of each month, at 1 P.M.
	Constantinople	1	424	7	14	1	15	382	254	127	Boat from Constantinople: Reaches Naples — The 1, 11 and 21 of each month, at 9 A.M.
	Livourne	1	88	1	13	–	7	79	53	26	Boat from Constantinople: Leaves Naples — The 1, 11 and 21 of each month, at 3 P.M.
	Malta	1	109	1	23	–	–	98	65	33	
	Marseilles	1	167	2	23	–	–	150	100	50	
	Smyrna	1	331	5	22	1	–	298	199	99	
	Syra	1	281	5	1	–	12	253	160	84	
Smyrna.	Alexandria	1	200	3	13	1	18	180	120	60	
	Athens	1	73	1	7	–	14	66	44	22	
	Civita Vecchia	2	381	6	19	–	6	343	229	114	Boat from France: Reaches Smyrna — The 2, 12 and 22 of each month, at 5 P.M.
	Constantinople	1	93	1	16	1	15	84	56	28	Boat from France: Leaves Smyrna — The 3, 13 and 23 of each month, at 5 P.M.
	Livourne	2	419	7	11	–	7	377	251	126	
	Malta	1	222	3	13	–	–	200	133	67	Boat from Constantinople: Reaches Smyrna — The 8, 18 and 28 of each month, at 5 P.M.
	Marseilles	2	498	8	21	–	–	449	299	149	Boat from Constantinople: Leaves Smyrna — The 10, 20 and 30 of each month, at 5 P.M.
	Naples	1	331	5	22	–	6	298	199	99	
	Syra	1	50	–	21	–	12	45	30	15	
Syra.	Alexandria	1	150	2	16	1	18	135	90	45	
	Athens	1	23	–	10	–	14	21	14	7	Boat from France: Reaches Syra — The 1, 11 and 21 at 2 P.M.
	Civita Vecchia	1	331	5	22	–	6	298	199	99	Boat from France: Leaves Syra — The 1, 11 and 21 at 8 P.M.
	Constantinople	1	133	2	13	1	15	120	80	40	Boat from Constantinople: Reaches Syra — The 1, 11 and 21 at 2 P.M.
	Livourne	2	369	6	14	–	7	332	221	111	Boat from Constantinople: Leaves Syra — The 1, 11 and 21 at 8 P.M.
	Malta	1	172	3	2	–	–	155	103	52	Boat from Athens: Reaches Syra — The 1, 11 and 21 at 6 A.M.
	Marseilles	2	448	8	–	–	–	403	269	134	Boat from Athens: Leaves Syra — The 9, 19 and 29 at 8 P.M.
	Naples	1	281	5	1	–	6	253	169	84	Boat from Alexandria: Reaches Syra — The 9, 19 and 29 at 8 P.M.
	Smyrna	1	50	–	21	1	–	45	30	15	Boat from Alexandria: Leaves Syra — The 2, 12 and 22 at 6 A.M.

Note.—The Postage noted in Column 3 is regulated according to the distance marked to the right by the Act of the 3d July 1835, which fixes it at 1 franc on all distances not exceeding 250 leagues, and at 2 francs on distances above 250 and not exceeding 500 leagues.

OBSERVATIONS.

Regulations for Letters, &c.

- French Letters to Alexandria, Constantinople, Smyrna, and reciprocally, may be forwarded without being paid.
- All Letters to Italy, Malta and Greece must be paid.
- Newspapers, Pamphlets, Letters of Advice, in French or foreign print, pay for their Conveyance by Sea four times the postage fixed by the Acts of 15 March 1827 and 14 December 1830, on account of their transit through French territory.

Regulations for Passengers, &c.

- **Passengers' Luggage.** Each passenger is allowed a fixed quantity of luggage, according to the following scale: 75 kilogrammes to passengers of the first class. 50 - ditto - - ditto - second ditto. 25 - ditto - - ditto - third ditto. When a passenger's luggage exceeds that laid down in the scale, there is a duty of 2 cents. for every 10 kilogrammes of excess for every league by sea; in no case may a passenger's luggage exceed 300 kils. The effects of passengers should be contained in trunks, bags or portmanteaus, with the name and place of destination inscribed outside.
- **Children.** Children under 10, accompanying a passenger of the first class, pay the second class fare; those accompanying a passenger of the second class pay the third class fare, and those of the third class are charged half price.
- **Servants.** Maid servants pay second class fare. Men servants pay third class fare.
- **Carriages.** Carriages with four wheels pay as a first class passenger; ditto with two wheels as a second class passenger.
- **Dogs.** Dogs tied up on deck pay 10 francs for distances not exceeding 200 leagues, and 20 francs for all other distances.

Appendix, No. 1.

(10.)

Statement of the size, &c. of the Company's Steamers Atalanta and Berenice.

(10.)

STATEMENT of the SIZE, HORSE POWER and GUNS of the Company's Steamers ATALANTA and BERENICE.

Atalanta.

Size: 616 tons builders' measurement, or 389 tons registered tonnage on the new system of measurement, which excludes the dimensions of the engine-room.

Horse-power: Each engine, 105.

Guns: One long gun, to throw a hollow shot of 48 lbs., and four of Dickson's 32-pounders.

Berenice.

Size: 664 $\frac{74}{94}$ tons builders' measurement, or 457 tons registered tons as above.

Horse-power: Each engine, 115.

Guns: One long gun, as above, and two of Dickson's 32-pounders.

Public Department, 14 June 1837. *C. H.*, C. P.

Appendix, No. 2.

Appendix, No. 2.

The Rail from Cairo to Suez, surveyed by Galloway Bey in 1834.

The Rail from *Cairo* to *Suez*, surveyed by *Galloway Bey*, in 1834, by direction of His Highness the Pacha of *Egypt;* referred to in the Evidence of *A. Galloway*, Esq. 28 June 1837.

(*See Map.*)

The intention of the Pacha is to make railroads from Alexandria to the vicinity of Cairo as well as to Suez; and on that account, as well as from local circumstances, a branch road from the city of Cairo to the grand depôt was made. The road marked A, is the line to Alexandria; B, road to Cairo, and C, a small road merely for the trial of locomotive engines; the Suez road is marked D D D D, which runs in a right line for 75 miles, and branches round at Aggoroot Fort, and from thence to the Sea of Suez, in which it is intended to erect a pier for the facility of loading vessels. The entire length of the road is, from the grand depôt at Cairo to the Sea of Suez, 84 miles; the gradients upon the whole line are for the greater part very good, and no tunnels will be made. The general character of the ground is favourable for such works.

Alexander Galloway & Sons, Engineers.

Appendix, No. 3.

Appendix, No. 3.

Answer to Question 1353.

The following Answer to Question 1353 is substituted for the Answer printed in the Evidence of *W. Morgan*, Esq. of 4 July 1837.

In reference to the Question 1353 I would wish to add the following particulars:—I recommended to the Provisional Committee of Merchants, on being consulted by them, vessels of 620 tons, builders' measurement, to have a displacement of 720 tons, and an immersed sectional area of 220 square feet when deep. I recommended these vessels to be fitted with engines of 51-inch cylinders, and 4 feet 6 inches stroke, in which lightness and compactness should be combined with solidity, similar to some of those which have been lately furnished to the French government, but with an increase of three inches to the diameter of the cylinder. From such vessels an average hourly speed of eight-and-a-half knots might be safely relied on, and, supposing them to be laden with 200 tons of coal, this quantity would enable them to accomplish a distance of 2,250 miles, or would suffice for a run of 11 days; for even with the ordinary condenser, their actual hourly consumption would not, with frequent pauses, exceed 15 cwt. These vessels would have accommodation for 60 passengers of all classes, and have stowage for about 20 tons of luggage and parcels, and as the quantity of coal alluded to would be excessive at all times, excepting during the height of the monsoon, a weight in goods equal to that excess might be conveyed, if freights should offer, between the monsoon periods. If, however, the system of condensation by surface, as practised by Mr. Hall, or that of condensing by surface and by reinjection of the condensed water, as practised by Mr. Howard, be adopted, the quantity of coals required to accomplish the greatest distance will be reduced very sensibly, and the capacity for cargo increased, without interference with the above average speed, or otherwise the average speed will be increased by the vessel being released from so much weight.

I cannot but regard it as of vital importance to adopt this system for the Indian steamers, not only from the foregoing reason, but because of the saving of which it will be productive in the wear and tear of the engines and boilers. This system has been long tried, and its extended and extending adoption by individuals, who each one in his own case has examined into the results which have followed on its use, will be better testimony in its favour than any opinion which I express; I may, however, be permitted to add, that one of the greatest obstacles to the accomplishment of long distances by steam will be in some measure removed by means of this improvement.

As vessels are now fitted, the capacity of their boilers, whether of iron or copper, to raise steam with any given quantity of fuel, decreases rapidly after the first few days firing; this is in consequence of the deposit which will take place, whatever care may be employed to prevent it. If a vessel with the common condenser be kept many days at sea, her hourly consumption, after the first few days, will rapidly increase, until at last it will be as great in attaining a low rate of velocity for her, as in those first days sufficed to procure her highest average; but, as by the new system, the boilers never become foul, the consumption of fuel will, at the close of a long voyage, bear the same proportion to the velocity obtained for the vessel as at first: larger vessels, and provided with greater power than those which I conceive to be sufficient to meet the present wants, would, no doubt, give a better performance, but not in the ratio of their first cost, nor in that of the expense of working them, and if there be no necessity for accommodation beyond 60 passengers, the very great difficulty that attends the manipulation of the larger engines when they require repairs,

repairs, and the greater time required for these repairs, form an objection to the employment of them in the Indian Ocean.

Assuming it to be admitted that vessels of the class which I recommend offer sufficient accommodation, and that by attaining the average velocity which I assign to them, with the capacity for 11 days firing at full pressure, they are equal to the proposed duty, I submit the following table of comparison of the performance to be expected from them, with the ascertained performance of other sea-going vessels of admitted excellence; and by sea-going vessels, I mean those that cross the bay and the ocean, in contradistinction to the coasting steamers, whose averages form no exact criterion. I may here cursorily remark, that the smallest vessel named in the table, the Transit, has made her passages to and from Malaga, throughout the past year, and up to the present time, with the greatest regularity, and without having been surpassed by any of her competitors, either in respect of speed, behaviour as a sea-boat, or hourly consumption of fuel per horse-power; thus affording an inference that if the velocity of the new large boats has proved greater than that of the vessels which they were built to supersede, it may be in great part attributed to the improvements which ingenuity has been continually making in the forms of vessels, and in the performance of the machinery. The increased velocity ought not, therefore, to be altogether attributed to the increase of size and power. I may further add, that this little vessel being in the Tagus in the spring of 1836, weighed for England in company with a larger and more powerful boat; the larger vessel having been unable to cross the bar owing to the heavy sea running, the Transit also anchored, but afterwards weighed and stood for the bar, followed by her rival; the Transit made good her offing, and reached Falmouth on the very day on which her rival succeeded in quitting the Tagus, thus showing the capabilities of a well-proportioned steamer, even when of small tonnage and power.

In the case of the two French government vessels, the Leonidas and the Tancrede, I have seen official letters, stating them to have attained as high a velocity, for lengthened periods, as 10½ knots, even in bad weather; and a communication was made to me by the Chevalier Colonel Lampo, the chief of the état major of the Sardinian marine from Genoa, by which it appears that the Gulnare usually reached a velocity of 10 knots and 10½ knots per hour when the sea was not very rough. This vessel keeps up the communication between Sardinia and Genoa, and in her run from Blackwall to Genoa, touching at Falmouth, Lisbon and Gibraltar, she averaged a speed of nearly 10 knots by course, as I was informed by the late Chevalier Grosson, the chief of the Navy Board at Turin, who took his passage in the vessel: the weather was represented as having been variable.

Comparison of the Performance to be expected from the proposed Indian Steam Vessels, with the ascertained Performance of other Sea-going Vessels of admitted excellence.

VESSELS' NAMES.	Builders' Measurement.	Nominal Power.	Tons Measurement, per Horse Power.	Tons of Displacement, per Horse Power.	Area of Immersed Section.	Average Velocity per Hour.
	Tons.	Horses.				Knots.
Medea, Admiralty steamer - -	840	220	3·818	5·59	1·61	8
Gulnare, Sardinian Admiralty steamer.	320	90	3·55	3·78	1·84	9½
Transit, Commercial Company -	282	80	3·57	4·75	1·657	8
Blazer, Admiralty steamer - -	533	120	4·358	5·175	2	7¾
Leonidas and Tancrede, French Government - - - - -	600	160	3·75	4·38	1·233	Bad Weather. 8·08 in the Bay, in the Ocean. 8·936 in the Mediterranean.
Proposed Vessels, Indian steam -	620	180	3·44	4	1·22	

N.B.—The average speed of the Medea and that of the Gulnare has been obtained from their performance in the Mediterranean; that of the Transit is principally from her performance in the Bay and in the Atlantic; the average of the Blazer is that of her performance in the Bay, in the Ocean and in the Mediterranean. The masting of the Medea and of the Blazer very sensibly affect their performance as steamers.

Appendix, No. 4.

Appendix, No. 4.

Communication from Major *Head.*

Communication from Major *Head.*

Steam communication between England and India to attain the objects of the mercantile and other interests involved in the undertaking should reach the three presidencies of Bombay, Madras and Calcutta.

Expense has hitherto prevented the advancement of this measure, although all parties consider that its adoption would be most beneficial to the interests of Great Britain and of India. It is advocated, therefore, that extended communication as above, should be considered in any plan for steam communication with India, as the enlarged receipts, in proportion to the increase of expense, and the extensive benefits of this arrangement would best ensure efficiency and permanency in the undertaking.

The duty to be performed by steamers, in connexion with this project, may be divided into three nearly equal parts, as follows: (There is also a distance of 220 miles or six days to cross Egypt.)

First portion of the communication, viz. between England and Alexandria,

From Falmouth to Gibraltar		1,200 miles.
Gibraltar to Malta		1,050 —
Malta to Alexandria		850 —
Falmouth to Alexandria		3,100 —

To cross Egypt from Alexandria to Suez.

The second portion includes,

Suez to Cosseir	270	1,070 miles.
Cosseir to Camaran	800	
Camaran to Socotra		840 —
Socotra to Bombay		1,150 —
Suez to Bombay		3,060 —

The third portion includes,

Socotra to Galle		1,660 miles.
Galle to Madras	650	1,450 —
Madras to Calcutta	800	
Socotra to Calcutta		3,110 —

The first portion of the work on the Europe side of Egypt requires 24 voyages of 3,100 miles each, making the distance to be run	74,000 miles annually.
The second portion includes, in 24 voyages	73,440 —
The third portion takes, for 24 voyages	74,640 —

The route between England and Egypt, including stoppages, is now done monthly, on an average, in 19 days throughout the year, and would be less by proper arrangement. On the eastern side of Egypt the strength of the south-west monsoon is expected to check the regular progress of steamers for perhaps three months. The stations and depôts are not

not established on the Europe side, but the voyages on the India side may be calculated as follows:

Suez to Cosseir, Jidda and Camaran	5½	days steaming.
Stoppages	2	—
Camaran to Mocha and Socotra	4½	—
At Socotra, to change vessels	1	—
Socotra to Bombay	7	—
Egypt to Bombay	20	—
Suez to Socotra, as above	12	days steaming.
Change vessel at Socotra	1	—
Socotra to Galle	8½	—
Change vessel at Galle	1	—
Galle to Madras	3½	—
Suez to Madras	26	—
Socotra to Madras, as above	26	—
Stoppage at Madras	½	—
Madras to Calcutta	4	—
Suez to Calcutta	30½	—

Including six days in Egypt; the time of transit would therefore be,

Between England and Bombay	44	days.
— Galle	46 or 47	—
— Madras	51	—
— Calcutta	55 or 56	—

It is considered the work between England and Egypt would be most effectually done by employing five steamers, each vessel having between 70 and 80 days steaming a year.

In the same way all the work on the Indian side would be performed by 10 steamers, each having from 70 to 80 days' work a year. This would not only be found to ensure certainty, by having sufficient vessels, but would give the necessary time for the overhauling of machinery, and would also afford the engineers and crews sufficient time for repairs, shifting of coal, and all other necessary work at the depôts, without incurring extra expense.

On the European side the vessels would sail as follows:

No. 1. Steamer.	January	From England to Gibraltar.
	February	At Gibraltar (rest), No. 5 proceeding onwards.
	March	To Malta and Alexandria.
	April	To Malta and Gibraltar.
	May	To England.
	June	From England to Gibraltar, &c., as before.

Nos. 2, 3, 4 and 5 would follow in succession, and give to each vessel a voyage of from six to ten days during four consecutive months, and the fifth month a rest at Gibraltar.

On the Indian side, the portion between Suez and Bombay would also be worked by five vessels, as follows:

No. 1. Steamer.	January	From Bombay to Socotra.
	February	At Socotra (rest), No. 5 going to Suez.
	March	To Suez.
	April	To Socotra.
	May	To Bombay.
	June	From Bombay to Socotra, &c., as before.

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Communication from Major *Head.*

Nos. 2, 3, 4 and 5 would successively follow No. 1, each vessel making four voyages of from seven to ten days in four months, and resting every fifth month.

To perform the monthly duty between Socotra and Calcutta, touching at Madras, five vessels would proceed thus:

No. 1. January - - From Calcutta to Galle.
February - - At Galle (rest), No. 5 going on.
March - - To Socotra.
April - - - To Galle.
May - - - To Calcutta.
June - - - From Calcutta to Socotra, as before, and the same each fifth month, having 2, 3, 4 and 5 to perform similar duties in succession, giving to each vessel from seven to ten days' voyage during four months, and a rest every fifth month. Should the Island of Socotra be found the most desirable station for the purpose, the vessels might make more regular work by always resting there, and by making voyages to Suez and Bombay on the one side, and to Galle and Calcutta on the other, with rest between each double voyage, and having all the vessels on the India side to reach Calcutta and every other station in succession, dividing the yearly work equally amongst the whole ten vessels. Another steamer would be kept in India available for extra duty, or to replace any of the above.

To effect a communication upon the above plan, would require an outlay of £. 500,000.

Annual disbursements - - - - - - - - - - £. 185,000.

being an excess of about 49,000 *l.* above the sum required for communication to Bombay. This excess will be in all probability more than replaced by extra receipts, if the comprehensive plan be adopted, as may be seen by the following estimate:

	£.
Profit on passengers to Ceylon, Madras and Calcutta, from Suez (600) - -	28,500
Passengers at the intermediate places - - - - - - -	3,000
Deck and steerage passengers - - - - - - - -	2,000
Newspapers, periodicals, deeds, invoices, parcels, samples, &c., jewellery and bullion - - - - - - - - - - - -	15,000
20,000 extra letters, Madras, Ceylon and Calcutta, 3 *s.* 6 *d.* - - -	3,500
Intermediate postages - - - - - - - - - -	600
600 passengers on the Mediterranean side (profit) - - - -	18,000
	£. 71,600

No attention is here given to communication eastward of Calcutta, which may be expected to contribute considerably to the above estimate of receipts, and to be established by branch steamers to Singapore, Canton, &c.

Steam communication with India being made more generally useful, becomes more economical, by being fed with fresh sources of profit. To make it permanent it ought to be formed on a plan to permit all India participating in the arrangements; otherwise large expenditure and limited returns will endanger the principle by encouraging opposition to it altogether.

Steam communication between England and the East, is of sufficient importance to command one unconnected plan throughout.

It will be seen to involve two-thirds of expense for one-third of the moral benefits it may produce, if confined to one presidency out of three, whilst two-thirds of the benefits for one-third the expense will be gained by extending it to all India. The receipts (except postage) would be in nearly the same proportion.

Appendix, No. 5.

Appendix, No. 5.

Major Sim's Report on the Paumbun Passage.

COPY of the SURVEY and REPORT on the *Paumbun Passage* between *Ceylon* and the Main Land of *India*, made in 1829, by Major *Sim* of the Madras Engineers.

EXTRACT, Fort St. George, Revenue Consultations, 15th April 1831.

REPORT on the Straits which separate the Ramnad Province, in the Peninsula of India, from the Island of Ceylon.

THE distance between Point Rameen or Tonnetory, in the Ramnad province, and the opposite coast of Ceylon, is about 62 miles. In the intervening space are situated the islands of Ramisseram and Manar, separated from each other by Adam's Bridge, and from the coasts of Ramnad and Ceylon, by the narrow channel or straits of Paumbun and Manar.

The Manar channel is about a mile in breadth, and separates the island of Manar from Ceylon. It is navigable for small dhonies only and country boats. The island of Manar, which is a dependency of Ceylon, extends about 20 miles across the straits in a north-west direction. At its west end commences the bank called Adam's Bridge, which runs about 30 miles also in a north-west direction to the island of Ramisseram. This island is about 10 miles in length, and is separated from the coast of Ramnad by the channel of Paumbun one mile and a quarter in width.

The Manar channel was surveyed under instructions from the Ceylon government, by the late Captain Dawson of the Royal Engineers, and Mr. Stewart, the master attendant of Columbo, who described it as a long, narrow and very winding channel, having about six feet of water in the shallowest parts, with the exception of a bar opposite to its south end, on which there is not more than three or four feet of water. This channel, from the account given of it by the officers who surveyed it, does not appear to be capable of any material improvement.

The sand bank, called Adam's Bridge, is a very extraordinary formation. It is only about a quarter of a mile in breadth, and consists entirely of sand, partly above and partly below water, collected apparently by the surf and currents, and unsupported, as far as could be ascertained, by rock. The east end of it was pierced by the Ceylon officers to the depth of 30 feet, and nothing found but sand; on each side of the bank, at the distance of two and a half or three miles, the sea is six fathoms deep, and quite free from obstructions of every kind.

There are three principal openings or channels across the bank, one near the island of Manar, called the Tal Manar passage; the second eight miles further to the west, and the third about 11 miles from the island of Ramisseram, termed the Tannycoody passage. This last was examined and surveyed on the present occasion. It is narrow in the centre and 30 feet deep, with broad curved bars opposite to its two ends, on which there is not more than five or six feet of water. The bank between it and Ramisseram is entire, and several feet above water. The Tal Manar passage was examined by the Ceylon officers, and resembles exactly that of Tannycoody, but it is not so deep, there being only about three feet of water on its north bar.

The intermediate opening was not examined, but from its appearance, as well as from the description given of it by the fishermen who frequent the place, there can be no doubt of its corresponding very nearly with the other two. It is said to be rather deeper than the Tal Manar passage, but not so deep as that of Tannycoody.

In the vicinity of the Tal Manar and Tannycoody openings, the bank is visible above water for several miles, intersected by only a few narrow openings, but towards its centre it is chiefly covered with water, and very little sand is to be seen, though, from the surf breaking exactly on the line of the bank, the depth of water cannot exceed two or three feet.

During both monsoons, on the lee side of the bank, to the distance of from half a mile to a mile, there are great numbers of irregular shifting sand banks scattered about, on which there is from two to four feet of water, with passages between them eight or nine feet deep. The weather side, on the contrary, particularly towards the end of the monsoon, is in a great measure clear of such banks, and the surf breaks on its shore nearly in a straight continued line. When the monsoon changes, the strength and prevailing direction of the current change too, and the loose sand of which the shifting banks are composed, on what was the lee side, being stirred up by the surf and sea, is swept by the current through the channels and deposited on the opposite side, partly on the bars and partly in loose detached heaps along the bank. These deposits appear to be further increased by the sand thrown upon the weather shore by the surf, which as soon as it becomes dry, is carried by the wind

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Major Sim's Report on the Paumbun Passage.

across the bank into the sea on the other side. It was observed, when the wind was tolerably strong, that a continued stream of sand was swept across the bank into the sea on the lee side. The beach of Adam's Bridge, therefore, to the distance of about a mile on both sides, is continually changing and shifting: on the weather side it is generally clear, except immediately opposite to the channels where there are always projecting bars, while on the opposite side there are many loose banks scattered about and constantly changing, and varying in position and extent as the monsoon advances, and according to the state of the sea and weather.

During both monsoons rather a high surf breaks on the weather side of the bank, but the south-west monsoon produces much the highest surf, accompanied by a long heavy swell. During part of the north-east monsoon the surf breaks on both sides of the bank.

Dhonies in ballast and fishing boats occasionally pass through the openings in fine weather, but the passage is attended with some difficulty and danger, and is not common.

There is an account, I was informed, given in the record of the Dutch government of Ceylon, of a Dutch fleet having on one occasion escaped from a Danish fleet by passing through the channels of Adam's Bridge: if this be authentic, either some of the channels must have been deeper in former days or the ships must have been of a small size. It is probable indeed that the depth and extent of openings are constantly changing, from the effect of a current and surf, and the quantity of loose sand floating about the bank, and that they will not be found of the same size for any length of time; they appear to be affected by every change in the weather, the currents and surf, and most likely vary considerably in depth in different seasons.

If it be possible to obtain any where through the straits a channel sufficiently deep for all classes of ships, it must, I think, be sought for in some part of this bank, and even here the practicability of opening such a channel, and of keeping it open, is very doubtful. A strong double bulwark of stones across the bank, extending into deep water on both sides, with a narrow opening of 100 or 200 feet, might I think with reason be expected to accomplish the object. The velocity of the current would probably keep a narrow fixed channel of that description always sufficiently deep, and sweep off any sand that might be carried into it either by the sea or by the wind, and as the bulwark would extend into deep water beyond the shifting sands and the influence of the surf, there would be little risk I think of its ends being filled or choked with sand. The danger to be chiefly apprehended is the formation of bars opposite to the ends of the channel, similar to what are now found in front of the natural openings, particularly on the south side, where from the superior strength of the south-west monsoon and heavy swell, sand banks are always the largest and most numerous; but of this, I think, there would not be much danger, the quantity of sand carried through the channel, from its being beyond the influence of the surf, would probably not be very great; and as the current would be rapid and extend into deep water, it is likely that what did pass through it would be dissipated and disappear.

The cost of such a work would, however, be very great indeed, and could only be justified by its being considered an object of high national importance to have a passage sufficiently deep in time of war for the largest vessels. In the event of a struggle for the superiority at sea with an European enemy, the advantages of such a channel would be invaluable; but it is doubtful whether the benefits which commerce would derive from it, great as they undoubtedly would be, would warrant an undertaking, the expense of which, under the most favourable circumstances, must be very large, and the success, from a variety of causes which neither can be foreseen nor guarded against, uncertain.

There remains to be considered the Paumbun channel, or strait between Ramisseram and the Ramnad coast, which affords, perhaps, the only prospect of a moderately deep channel such as would benefit commerce generally, and the coasting trade of India in particular, without the necessity of incurring a very large or disproportionate expenditure.

The examination of the Paumbun passage has accordingly, and in conformity with the instructions of Government, occupied the whole of the attention and time of the officers deputed for the purpose of surveying the straits, with the exception of a few days devoted to the inspection of Adam's Bridge.

The obstacles to be overcome at Paumbun are a dam or ledge of rock, extending from the island of Ramisseram to Point Ramen or Tonnetory, on the opposite coast of Ramnad, and an irregular sand bank a little to the south of it, the exact situation and shape of which will readily be understood from an inspection of the accompanying maps, on which the dam and sand bank, with the soundings in their vicinity, are minutely and accurately expressed.

The dam is 2,250 yards in length, and runs east and west; it is bounded by two parallel ridges of rock about 140 yards apart; the north ridge is considerably the highest, and is termed the first or great dam; it is in most places visible at low water, though nowhere sufficiently connected to prevent entirely at any time the passage of the water. The line of the south ridge or dam can also be distinctly traced at low water, but only a few detached rocks on it even then appear above water; the whole or greater part of the space between these two ridges is filled up by large irregular masses of rock in various positions, but generally in directions nearly parallel to the principal ridges, and usually several feet lower than them.

The continuation of the rock or dam can be readily traced on the main land and island of Ramisseram, in its natural position, and in uniform layers, having a small inclination to the

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Major Sim's Report on the Paumbun Passage.

the south, preserving exactly the same direction, but on both sides several feet higher than the dam.

The ridges which form the dam are very much broken and displaced, and now consist of large flat masses of rock, seldom more than two or three feet in thickness. Their shattered state, and the break or chasm which they form in the general height of the stratum of the rock, clearly indicate that the island of Ramisseram was at one time connected with the main land, and that it has been separated in the first instance by the sea, during storms, breaking over and bursting the chain of rocks which joined them, and afterwards by the water undermining and displacing the broken fragments.

This supposition is confirmed by the records of the Pagoda of Ramisseram, which relate that until the early part of the 15th century, the island was connected with the continent by a narrow neck of land, and that the swamy of Ramisseram was carried across to the main land thrice every year on particular festivals. During the reign of Achoodapah Naig, Rajah of Madura, about A. D. 1480, a small breach was made in the land which formed the junction, by a violent storm, but as there was no great depth of water in it, travellers continued to cross on foot till the time of his successor Vessoovanada Naig, when the breach was much enlarged by a second storm; the opening was filled up and repaired, to facilitate the passage of the pilgrims to the Pagoda of Ramisseram, and the repairs lasted about 10 years, when a third hurricane destroyed them and greatly extended the breach, after which no attempt was made to fill up the chasm.

Since then, every succeeding storm has assisted in destroying and undermining the dam, and the inhabitants believe that its destruction is still proceeding, and that 15 or 20 years will make a sensible alteration in it; they state that a storm occurs generally once in that period, and always displaces and washes away a portion of the rock.

Besides the ridges of rock which constitute the dam, and which as already stated are about 140 yards in breadth, rocks and stones mixed with sand form the bottom to a distance of about 800 yards on the north side of the dam, and 200 yards on the south side. Beyond 800 yards, the bottom to the north consists of mud and clay, with 14 feet of water, and on the south side beyond the rocks it is soft mud and sand.

From a careful examination of the ground on the north side of the dam, by means of iron probes, and from the appearance of the beach on the Ramisseram and Ramnad coasts, it is probable that no connected layers or beds of rock extend further than 150 or 200 yards from the dam, and that beyond that distance the bottom consists of detached fragments of rock and stones mixed with hard gravel and sand; the bottom on the south side is similar, being composed partly of beds of rock and partly of loose fragments.

The ledges of rock which form the dam, and the strata on both sides, have been pierced and blasted in a great many places, and considerable quantities of the rock removed for the purpose of ascertaining its quality and depth, and the nature of the ground beneath. The rock of the dam is considerably harder as well as thicker than what is found on either side, but the whole is soft and easily pierced and broken. It appears to be a sand stone of a soft description, and generally in an advanced stage of decay, varying in thickness from one and a half to four feet, and resting on a bed of rough gravel; it is hardest at the surface, and becomes softer and coarser towards the bottom, which had indeed more the appearance of indurated gravel than of rock. The rock to the north and south of the dam seldom exceeds one and a half or two feet in thickness, and is in a very decayed state.

The several strata are found in their natural position on the island of Ramisseram, and on the opposite coast, and a number of wells having been sunk through them by the inhabitants, the quality and thickness of the rock are easily examined there, and correspond exactly with the preceding description.

In the dam there are two channels, one about 500 yards from the eastern end, which is termed the large channel or river, and through which alone vessels at present pass. The small channel is 300 yards from the west end of the dam; it has only three feet of water in it, is very narrow and full of rocks, and is in consequence only used by canoes and boats.

The principal passage is about 50 yards broad, and is of very irregular depth, with a rocky bottom; in some places it is not more than two and a half feet deep at low water, but there is a very winding narrow channel through it, just sufficiently broad for the passage of a dhoney, which is nowhere less than five and a half feet deep at high water, ordinary tides. This channel, from its very winding course and little depth of water, is exceedingly inconvenient, and occasions great delay and considerable expense to all vessels passing through it; there is often a rapid current and heavy swell, and, unless in very moderate weather, no vessel drawing more than four or four and a half feet of water ventures through it, and in rough or stormy weather it is often for several days altogether impassable.

The passage has always been confined to dhonies and other small vessels, chiefly belonging to native merchants. These, when coming from the northward, anchor at 1,100 or 1,200 yards from the east end of the dam, in 16 feet of water and soft mud; there they unship cargo till their draught of water is reduced to four or five feet, according to the state of the weather, and then drop or warp through the channel as the wind or current are favourable or otherwise. After passing the channel, they anchor a second time about 400 yards below the dam in 12 feet water, and reship cargo till they draw about six feet. They then proceed to the southward and cross the sand bank already referred to, about 2,700 yards below the dam, and on which there is not more than seven feet of water when the tide is full. As soon as they cross the bank, they anchor for the third time to reship the remainder of their cargo, and then continue their voyage.

These operations usually occupy three or four days, even under the most favourable circumstances;

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cumstances; and when the weather is stormy, the detention is considerably greater, for the pilots will not then undertake to carry any vessel through the passage; and if this happens during the north-west monsoon, the vessels are obliged to remain anchor to the north of the dam, in an open situation exposed to the risk of being driven on the rocks to the leeward. Moreover, when 10 or 12 dhonies arrive together, which often is the case, the last are occasionally detained for a very considerable period: for, as they can only pass when the weather is moderate, and then only three or four during one tide, owing to the crookedness of the channel, it may happen that the whole number are unable to get through while the wind and sea continue moderate, and then the last arrivals are obliged to wait 10 or 12 days longer for another interval of fine weather.

The expense attending the passage of the channel, and the bank below it, varies from 10 to 40 rupees, according to the size of the vessel; and when the detention and risk of damage are taken into the account, the whole must form a very heavy burden on the coasting trade of the country, and greatly retard its extension and improvement.

The removal, therefore, of the existing difficulties and obstructions, and the improvement of the channel, so as to facilitate the passage of the vessels which now use it, and at the same time to admit of its being navigated by ships of a large size and superior description, is an undertaking of much importance and highly deserving of attention.

From the preceding remarks, and from an inspection of the chart, it will be seen that the removal of the rock which obstructs the channel, though that alone would be an improvement of much value, would not remove the whole of the difficulties at present experienced in navigating the Paumbun channel, for after passing through the rocks, there still remains a sand bank to be crossed, on which there is not more than seven feet of water, at high water ordinary tides.

The removal of this bank, it is to be feared, may prove a very difficult part of the undertaking; at all events, the success of any measures adopted for the purpose, is much more uncertain than if rocks formed the obstruction, for where that is met with, its removal can always be calculated on with certainty, though the expense may, in some cases, be great.

The bank, it is probable, consists chiefly of the earth and sand which composed the narrow neck of land that formerly connected the main land and island of Ramisseram, and of the sand washed out of the deep channels beneath and to the south of the dam, by the rapid currents over it, and through its openings. On the breaking up of the stratum of rock, which formed the junction, the loose sand on which the rock rested, and by which it was protected, would, on being uncovered, be swept away by storms and by the rapid currents flowing through the openings and interstices among the broken fragments. These currents, after passing the rocky barrier and reaching the open space to its south, spread and lose their velocity; and, being at the same time met by opposing currents from the east and south-west, the sand washed from among the rocks would be deposited in the place now occupied by the bank, where the water is comparatively still and smooth, being protected to the north by the dam, and on the south side by a chain of small islands.

The stream through the principal opening is extremely rapid at times, and as soon as it escapes from the rocks and reaches the soft sandy ground, has, it will be seen, scooped out for itself a deep and extensive channel to the distance of upwards of a mile and a half. The sand from this channel being thrown up and deposited at its sides, and also to the southward, where the stream, by spreading and meeting with opposite currents, looses its rapidity, has no doubt contributed to the formation of the bank. It does not appear that the bank is now subject to any material alterations or changes; the pilots state that the depth of water has not altered within their memory, as far as they can judge, and the irregularity of the soundings, which often vary from one and a half to two feet in a very short distance, together with the quality of the bottom, show that the sand is not frequently shifting as at Adam's Bridge; nor does there seem to be any reason for considerable changes. The bottom of the sea to the north is either rock or clay, and the currents from that direction appear to bring very little sand with them, for the water during the north-east monsoon, is usually clear and free from mud or sand; storms may produce material changes, and probably do, but whether these are permanent or not, there are no means at present of ascertaining.

A careful and attentive examination of the whole of the channels between Paumbun and Point Ramen, suggested the three following plans for its improvement:—

1. The present principal opening through the dam may be cleared of the rocks which obstruct it, and straightened without increasing its depth.

2. The same opening may be deepened to eight and a half or nine feet at high water, or during tides, or another channel may be opened of the same depth in some other part of the dam, if considered more expedient; and—

3. A channel, 12 or 14 feet deep, at high water, may be formed either through the dam, or through the projecting point of land on the Ramnad coast, at the distance of about two miles west of Point Ramen.

From the description that has already been given of the channel, through which dhonies now pass, it will be evident that much difficulty and delay must have arisen from the crooked and winding shape of the channel. There were several turns in it, and one in particular, where the current is the strongest, which increased the difficulty very much; and frequently, when the weather was rough, interrupted the passage entirely for several days at a time. It would be satisfactory to Government to know that these obstructions have been all removed by the small working party, which was authorized to be employed for the purpose

purpose of assisting in the examination and survey of the passage, and the channel rendered quite straight, and also a little deeper than it was formerly. Dhonies now pass through it quickly, using only one warp, instead of three or four, as they were obliged to do before the rocks were removed, and one or two keeled vessels, drawing about six feet of water, have sailed through. This alone is a very considerable improvement, for it will prevent much of the detention to the north of the dam, which has hitherto been unavoidable, and which was always attended with danger, and will at the same time admit of vessels passing through, drawing a little more water than formerly, by enabling them to pass quickly when the tide is quite full. The party continues at work in the channel, and may be expected still further to improve it before the work is stopped by the monsoon.

The second plan, namely, openly a channel eight or eight and a half feet deep through the rocks, may be accomplished I think with most ease, and least expense, at about 1,300 feet from the west end of the dam, where it will be observed from the chart there is seven and a half and eight feet of water, near the main dam on the north side, and within 100 yards of it on the south side; the quantity of rock, therefore, to be removed, to obtain a channel of that depth, would not be very great, while on its removal much comparative facility would be experienced, in consequence of there being very little current or swell to interrupt or retard the work; for the main dam at that place is tolerably compact and entire, and there is consequently very little current in its vicinity. By allowing a part of the main dam to remain till the last, to obstruct the current and swell, and by completing the channel on both sides before its removal, the greater portion of the work would be performed in comparatively smooth water, which is of very great consequence in blasting and weighing rock. The narrow part of the channel would also then be very short, not exceeding 150 or 200 yards in length, which would be a great advantage to vessels.

The objections to it are, that the anchorage and channel would be more exposed to the strength of the wind and swell during the north-east monsoon than the present channel, which is sheltered in some degree by the west end of Ramisseram; and being farther removed from the eastern shore, the pilots would have more difficulty in communicating with vessels and affording them assistance in stormy weather.

On the south side of the dam there is a projecting point of the sand bank, between the proposed place and the deep channel opposite to the principal opening, on which there is not more than from five and a half to six feet of water at low tide; if this were to remain in its present state, vessels, after getting through the channel during the north-east monsoon, would be obliged to pass round the head of it in a direction across the current, which would evidently be attended with considerable difficulty to dhonies and country craft. But, as this point of the bank is nearly in the direction which the stream through the new channel would take, it would, I have not the slightest doubt, be entirely swept away on the opening of the channel, for it seems to owe its existence to the absence of any strong current or stream in that part, in consequence of the compact quality of the dam there. The only real objections which I can perceive is its greater distance from the shore, and, consequently, greater exposure to the wind and swell during the north-east monsoon.

To deepen the present channel to the same extent would be a much more tedious and difficult undertaking. There, it will be seen, the shallow water extends to a much greater distance to the northward, for at 600 yards from the dam the depth is only six and a half feet at low water. To obtain a channel of the desired depth it will be necessary, therefore, to excavate and deepen not less than 700 or 800 yards in length, while, at the former place, the distance does not exceed 200 or 250 yards. The difficulty of the operation also would be increased, in a very great degree, by the distance from the dam, the heavy swell which often prevails, and the rapidity of the currents: these causes would retard the progress of the work very greatly, and raise the expense proportionally; for when there is a heavy swell or rapid current, it is impossible either to blast or weigh the rock.

A large proportion of the space to be deepened, it is true, does not appear to consist of solid rock, but of fragments of rock and stones, firmly fixed in sand or gravel, and covered with weeds. It is probable, from the appearance of the adjoining beach and land, as has been already observed, that no large masses of rock would be found at a greater distance than 150 or 200 yards to the north of the dam, and that beyond that line the bottom consists of small pieces and fragments of rock, carried there originally by the current, and now firmly fixed in hard gravel and sand. These generally it would not be necessary to blast, as it is presumed they are not too large to be weighed entire; but still much difficulty and inconvenience would be experienced in loosening and removing them, in an exposed situation with a heavy swell, and in five or six feet of water. The bottom appears to be too compact and rough to be cleared and deepened by dredging, or by any similar means procurable in this country. A diving bell, sufficiently large to admit of two or three men working within it, with short iron crows and pickaxes, might be employed with great advantage, and would be highly useful. Divers, of whom there great numbers in the vicinity, might also be used to assist in loosening the fragments with the same instruments, and afterwards in raising them into boats or catamarans, either with the hand or with windlasses, as circumstances might require. An operation of this kind, subject too, as it would be, to frequent interruptions from rough weather, it is evident must be very tedious and expensive, and could not be completed probably in less than two or three years. But of its success I think there is no reason to entertain any doubt, and it certainly would be a vast improvement. It would be more

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convenient and useful than a channel of the same depth at any other place, and there would be this advantage attending the plan, that to whatever extent the improvement might be prosecuted, whether continued to its full accomplishment, or stopped at any intermediate stage, no part of the work, if judiciously conducted, would be thrown away or prove useless, but all that might be performed would in some respect or other be beneficial.

The only objection is the expense, which would be at least three times as great as the cost of a similar channel at the place already mentioned.

The advantages to be derived from an eight-and-a-half or nine feet channel through any part of the dam would be very important. Many of the small dhonies would be able to pass through at once without any detention, and the inconveniences and delay now experienced by the larger vessels would be very greatly reduced. They would have to unship a comparatively small portion of their cargo, and, when sufficiently lightened, would be able to pass through in almost any weather, and reach a perfectly safe anchorage, instead of being delivered in a very exposed and dangerous situation.

What effect the improvement of the present channel, to the extent here contemplated, or the opening of a new one, might have on the sand bank to the south of the dam, it is impossible to foretell; but that a considerable change would be produced, appears to be very probable; and if the increased stream and currents were taken advantage of, and judiciously directed, it is not unlikely that the passage across the bank might be considerably deepened. But this forms no necessary part of the plan now under consideration, though, in the event of its being adopted, this branch of the subject ought to be carefully attended to; for, without a very material change in the sand bank, the navigation of the straits, if the channel is made through any part of the dam, must remain very imperfect, and be confined chiefly, as it now is, to country vessels.

The third plan is to open a channel 12 or 14 feet deep, either through the Paumbun dam, or, if it should be thought more advisable, through the promontory on the Ramnad coast. To form a channel of that depth through the dam would be a very expensive and exceedingly laborious undertaking. The length of the cut would be upwards of 1,200 yards, with an average depth of four feet to be excavated. The labour of blasting and weighing rock, when the depth of water exceeds eight feet, is very great indeed, and almost impracticable, except in very smooth water. At the distance of 800 yards from the dam, the swell, during a great part of the year, is very considerable, and would add very greatly to the expense and labour of the work; for it could only proceed there during very moderate weather, and would be liable to constant and tedious interruptions.

Of the whole extent, perhaps not more than half would be found to consist of rock requiring to be blasted, and the remainder of fragments of various sizes, mixed with gravel or sand, a considerable portion of which, it might be expected, would be swept away by the currents on the removal of the rocky ledges or beds which now protect them. Still the labour would be very great and extremely tedious, and the undertaking would require several years, probably not less than five or six, for its accomplishment.

But even if the channel were completed to the proposed extent, I think it very doubtful whether the northern part of it would not be liable to fill up again; for on the north side, at the distance of 800 or 900 yards from the dam, the current is not, I think, sufficiently strong to keep such a channel clear, and the influence of the stream through the enlarged opening of the dam would scarcely extend to so great a distance.

The plan would also be incomplete without the removal of part of the sand bank to the south of the dam, or a considerable improvement at least in the passage across it. This, it has already been stated, is uncertain under any circumstances; though I think the increased quantity of water and force of the stream, which so extensive an enlargement in the opening through the rock would produce, would contribute very materially to the success of any measures that might be undertaken with that view.

Though at first sight the bank appears to resemble very much the bars which are formed opposite to the channels through Adam's Bridge, still I think it is essentially different from them. As far as can be judged, it is permanent and not liable to shift, and the principal causes which formed it have, it seems probable, from the reasons assigned in a preceding part of this report, long ago ceased to exist, or at least now act in a very inferior degree. The bars opposite to the channels through Adam's Bridge are most extensive on the south side, and are thrown up by the very high surf and heavy swell produced by the south-west monsoon, which acts with great force on the south side of the bank. But at Paumbun, the space immediately to the south of the dam, where the bank is situated, is protected from the violence of the south-west monsoon by the range of islands to the south of it, which form a complete barrier, and comparatively little swell or surf are ever experienced there; any alterations produced in the bank would in consequence be the more likely to prove permanent, and I think that the current and stream might be so directed, by means of stone bulwarks or jetties, as to produce a very great improvement.

But this plan, on the whole, appears to me much too laborious and expensive, and at the same time attended in several respects with too much uncertainty to be advisable, and if a 12 or 14 feet channel be considered absolutely necessary, I would recommend, in preference, that it be opened through the promontory of the main land.

In 1814, there was a very severe storm or hurricane at Ramisseram, during which the sea broke over the land in many places, and at about two miles from Point Ramen cut a channel completely across it. A ledge of rock on the south side of the land was destroyed and swept away, and a pit excavated seven or eight feet below the level of the sea, for a distance

a distance of 200 yards, from the end of which to the north shore the bed of the channel is three or four feet above the level of the sea. The gale from the northward lasted only about four hours; had it continued a few hours longer from that direction, it is probable that there would have been a deep channel formed entirely through the land, though most likely it would not have continued open for any length of time; for the surf which breaks on both shores, but particularly on the south side, with considerable force, not being counteracted by a sufficient rise and fall in the tide, would probably in a short time have filled its ends with sand.

The breadth of the land here is 728 yards; it consists chiefly of loose sand, with a little soft decayed rock mixed with it on some parts, which is easily broken with the hammer and pickaxe. On the north side there is a reef of coral, not solid or connected, but in detached masses, and of no great breadth, for at 400 yards from the shore the water is 14 feet deep. On the south side the water deepens very rapidly, the depth at 100 yards from the shore being two-and-a-half fathoms. A channel, 12 or 14 feet deep, might therefore be cut here with comparatively little difficulty, and at a moderate expense, and being to the south end entirely clear of the bank beneath the Paumbun dam; the removal of that bank, or a passage across it, would form no part of the undertaking. It is probable, however, that the channel would not remain open without some contrivance at its ends to prevent the surf from filling them up with sand; and this would, it is apprehended, be the most expensive and uncertain part of the project.

The easiest and most likely way to effect the object would, I think, be to carry a double bulwark of large stones from both shores, in a continuation nearly with the sides of the channel, into deep water, beyond the influence of the surf. The ends of the channel thus terminating in deep water, it does not appear that any cause would exist there to fill them with sand, for they would be beyond the reach of the surf, and there are no currents likely to produce that effect. It is probable that very little sand would enter the channel, and that whatever did enter would be swept away by the current through it, which at all seasons of the year would be considerable. The principal danger to be apprehended is the formation of a sand bank to the south of the channel, or bars opposite to its ends, as occur before the natural openings in Adam's Bridge. This apprehension is perhaps not entirely without grounds; but if, on the completion of the channel, any symptoms of either a bank or bar should appear, I think the formation might be entirely prevented by constructing a second bulwark of stones in front, and perpendicular to the ends of the first bulwark, at 100 or 200 feet from them. This narrow opening between the two bulwarks would be swept by the south-west monsoon and current produced by it, which would most likely keep it always deep and free from sand. On the north side there is much less danger of any banks forming, for there are none opposite to the Paumbun channel, and the sea beyond the rocky ground is clear and free from obstructions of every kind.

After fully weighing all the advantages and risks attending the opening of a channel 12 or 14 feet deep at this place, I think there are good grounds for considering the undertaking to be practicable; but, in deciding on the expediency of adopting or rejecting it, it is necessary to take into consideration the possibility of a partial or complete failure, for the project is so entirely new, and so unlike anything that has hitherto been undertaken in India, that no comparison can be made with the result of other works of the same kind, and no information therefore drawn from experience; while, at the same time, the nature of the currents, their strength and direction at different seasons of the year, and the manner in which they are affected by the opposite monsoons, are all in a great degree still to be learnt.

Respecting the expense of the different projects, from what has already been said, it will be evident that much uncertainty must necessarily exist, and that it is impossible to form anything like even an approximation to a correct estimate. The expense will depend greatly on the seasons being favourable or otherwise, the exact quality and nature of the ground beneath the surface at the place where the channel may be opened on the currents, and the effects they may have in accelerating the operations, by sweeping away the sand and loose soil when the solid rock is removed, or retarding it, by producing in some cases a contrary effect, and on a thousand other circumstances which it is impossible to foresee, and which can only be discovered as the work advances. In the present state of our information a general plan or course of proceeding only can be laid down which will be liable to constant changes and modifications, and whichever of the projects that have been suggested may be preferred, it will be necessary to leave a great deal to the discretion and judgment of the officer who may be entrusted with its execution, not only as to the manner of proceeding with the work, but also the means to be used, the expense to be incurred, and the extent to which the undertaking may be carried with advantage. The following sums must, therefore, be considered as very rough guesses only, which may exceed or fall short of the actual cost to a very considerable extent.

The plan of opening a channel eight or nine feet deep and 50 feet wide through the dam, at about 1,300 feet from its west end, may be calculated at 70,000 rupees, and two seasons would probably be required for its completion.

Deepening the present channel to the same extent cannot be estimated at less than 150,000 rupees, and probably three years would be required to complete it.

The practicability of opening a channel 12 or 14 feet deep through the dam, and of keeping it open, appears to me so uncertain with our present knowledge, that it cannot with propriety be recommended, and it is unnecessary, therefore, to consider its expense.

Cutting a channel through the main land, where the sea made a breach in 1814, would

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cost probably from one and a half to three or four lacs of rupees, according to the nature and extent of the works that might be required at its ends to prevent them from filling up with sand, and an equal uncertainty of course exists with respect to the time required for the performance of that project.

From a review of the several plans that have been proposed, it will appear, I think, that if a channel of eight or nine feet through the rocks be required, without reference to the removal of the sand bank to the south, or the improvement of the passage across it, the most advisable place for such a channel is at about 1,300 feet from the west end of the dam.

If it should be considered expedient to confine the operations in the first instance to an eight or nine feet channel, but to keep in view the option of extending the depth afterwards to 10 or 12 feet, if circumstances and experience should justify the measure, it is probable that deepening the present channel would be the most desirable and safe way of prosecuting the undertaking. Though much more expensive, it is the more certain, and the channel would be in the most convenient situation.

The removal of the rocks which obstructed this channel have altered it considerably since it was inspected in last March, and in some places the layer or crust of rock which covered its bottom has been entirely removed. It is extremely desirable that the effect of a north-east monsoon should be seen on the channel on its altered state before any final conclusion is come to respecting its comparative merits and defects with those of the proposed new channel near the west end of the dam. If there is only a covering or crust of rock, as there seems every reason to believe, the rapid current through the channel during the north-east monsoon may, as that is removed in several places, produce considerable alterations, not only on the channel itself, but on the ground to the north and south of it; and this it is highly desirable to ascertain before the expediency of improving or abandoning the channel is decided.

If a channel of 12 or 14 feet is considered an object of sufficient importance to warrant the attempt under the uncertainty which now exists with respect both to success and expense, and the imperfect state of our knowledge on the subject, I think the plan of opening a channel across the main land where the sea broke over in 1814 ought to be adopted.

The best seasons for working, whatever plan is preferred, as far as can be judged from the experience of the present year, are from the beginning of March to the middle of May, and from the end of August to the commencement of the north-east monsoon. There are occasional intervals of fine weather in the months of February and August, which might also be taken advantage of; but more than four or five months in the year cannot be calculated on for carrying on that work with advantage. The sea appears to be smoothest and least affected by currents from the beginning of September to the middle of October, and during that period the improvements to the north of the dam or promontory ought to be executed, for in the north-east monsoon the water there is generally too rough to admit of the work being prosecuted with much success. In the months of March, April and May, the rock to the south of the main dam might be removed.

The process of boring and blasting rock under water was readily learnt by the small party of pioneers employed on the survey, and, after a little practice, was conducted with much success. In blasting the rock, previously to removal, jumpers six inches in diameter were generally used and found most efficient. They were worked by three men at a time, on a low raft formed of two large canoes lashed together and covered with loose planks. After a great number of experiments with different quantities of gunpowder, charges of from four to six lbs. were thought to produce most effect, and usually employed. The rock was bored quite through, the object being to separate and displace the fragments completely, and the charge covered with gravel and small pieces of rock and coral. The gunpowder was fired in the usual manner by means of tin tubes; the large fragments were weighed by means of a common country boat, furnished with a windlass; derrick and tackle slings, made of strong rope, were placed round the fragments by divers, to which the tackle was made fast, and in this way pieces of rock three tons in weight were occasionally raised into the boat. The apparatus was very imperfect; the flat boat, and the small supply of timber sent from Madras for this part of the operation having been lost on the way down to Ramisseram, and the only substitutes procurable on the spot were a clumsy country boat and some drift timber. The small pieces of rock were brought up with the hand by divers.

The most convenient and expeditious apparatus for weighing and removing the fragments of rock in future would perhaps be a large flat boat, partly decked, furnished with a double set of derricks, windlasses and tackles, so arranged as to be used at the same time on opposite sides or ends of the boats. To save the necessity of raising the fragments into the boat, which was found very difficult and attended with much delay, there ought to be three or four double canoes, with decks, to receive the rock, and convey it to the places where it is to be deposited. There would then be no necessity for changing the situation of the weighing-boat when once placed till all the broken rock within its reach was removed, which is a point of much importance, for it was found a very troublesome and dilatory operation to fix the boat in the right spot when there was much current.

The canoes of the boring rafts ought to be decked to prevent them from filling with water and sinking, which they are very apt to do when there is any considerable swell.

A diving bell, which might be made at Madras, would be of great use for examining the

the bottom and fixing the most convenient places for blasting. The divers, it was soon found, could not be safely entrusted with this; they usually directed the jumper to the first rock they happened to meet with, and frequently caused the same rock to be bored several times, which occasioned the loss of much time and labour, and left the rock imperfectly broken, and in a very unfit state for further blasting. Much depends on the selection of the points for boring and blasting, and a diving-bell would enable the officer in charge of the work to regulate this part of the operation himself.

When the water was tolerably smooth, and the current not strong, very little difficulty was experienced in blasting and weighing rock at the depth even of eight feet; but when there was any considerable swell, or a rapid current, it was impossible to proceed with the work; hence the great advantage, in respect both to time and expense, in selecting such a situation for the channel as will afford smooth water for the longest periods.

In conclusion I beg to observe, that it would afford me much satisfaction if Government, previously to adopting any of the preceding plans, or coming to any final resolution on the subject, would be pleased to forward to the honourable the Court of Directors, for the purpose of being submitted to experienced civil engineers in England, copies of the charts of the straits, and of all the information which has been collected during the late survey. The improvement of the navigation through the Manar straits, is an object of so great value and importance to Indian commerce, and so much depends on the choice of place and on the means to be used, that every precaution ought to be taken to obtain the best possible information and advice on the subject, and a delay of a year or two is of little consequence when compared with the advantages which might possibly be derived from the opinion and advice of engineers in Europe, who have been employed on similar undertakings.

If this suggestion should meet with the approval of the right honourable the Governor in Council, I would further beg to propose that the papers should be intrusted to the care of Capt. A. F. Cotton, who it is likely will be obliged to proceed to England in January for the benefit of his health, and who having been employed at Paumbun during the whole of the survey, and having had the immediate charge and direction of the experiments, will be able to afford information on many points which cannot be sufficiently explained either by charts or reports.

Pending the reference to England, I would recommend that the observations on the passage should be continued, and that the present party of pioneers, increased to 50 men, with some ship Lascars and divers, should be employed under the direction of an engineer officer in the improvement of the present opening, and in making some experiments on the bank to the south of it. Whatever the final decision may be respecting the more extensive improvements, the labour of such a party cannot fail to be very beneficial, while the expense would be inconsiderable and much valuable information would be obtained, which would be highly useful in the event of the prosecution of the work afterwards on an extended scale.

It is due to Capt. A. F. Cotton and Lieut. F. Cotton to make known to the right honourable the Governor in Council the valuable and zealous assistance afforded by both officers in the performance of the duty at Paumbun. The survey and experiments were, with the permission of Government, placed under the direction of the former officer, and have been conducted by him to my entire satisfaction, and with great skill and judgment.

Fort St. George,
21 November 1829.

(signed) *D. Sim*, Major,
Inspector-Gen. of C. E.

East India House,
10 July 1837.

JAMES C. MELVILL,
Secretary.

Appendix, No. 6.

LETTER from *J. Barrow*, Esq., to *F. W. Mullins*, Esq., M. P., transmitting REPORT of *T. Lloyd*, Esq. and *J. Kingston*, Esq., on the Trial of *Hall*'s Condensing Apparatus.

Sir, Admiralty, 11 July 1837.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, in compliance with a precept of the Select Committee of the Honourable House of Commons on Steam Navigation to India, dated the 6th instant, a copy of the Report of Thomas Lloyd, esq. and John Kingston, esq., engineers, on the trial of Hall's Condensing Apparatus.

I am, &c.

John Barrow.

Appendix, No. 6.

Letter and Report on Hall's Condensing Apparatus.

Sir, Woolwich Yard, 7 August 1834.

AGREEABLY to your Minute of the 1st instant, directing us to inspect and report upon the apparatus for the condensation of steam, invented by Mr. Hall, and fitted by that gentleman on board the "City of London," we beg to state that, on the 5th instant, we proceeded in that vessel to Ramsgate, and returned in her on the following day.

During the time we were on board we had a full and satisfactory examination of the means employed to effect the above object, and also of the results produced by them.

We now beg to lay before you the principal evils arising from the common mode of condensation, which is the injection of cold water; the manner in which the steam is condensed by Mr. Hall; and our opinion founded upon the actual performance of the engines, of the efficiency of the means which he has employed.

Evils arising from the present mode.

As condensation is now effected, the greater part of the condensed steam never returns to the boilers, because it is mixed with a far greater quantity of injection water; which, when the vessel is at sea, must, of course, be salt water. Hence, in this case, steam which contains no salt, is continually leaving the boilers; and water almost as salt as sea-water is continually supplying its place. The consequence of this would be, if no means were taken to prevent it, that the boilers would, in a short time, be entirely filled with salt.

In order, however, to prevent this, a portion of the water in the boilers which is considerably salter than sea-water, is periodically driven into the sea, and its place supplied with water a little less salt than the sea; the condensed steam forming a small portion of it. The water in the boilers is in this manner kept from exceeding a certain degree of saltness, but whatever care is taken, in long voyages especially, salt will accumulate, and sometimes in great quantities, and of great hardness, so that it is with difficulty it can be removed.

Boilers are thus often injured as much in a few months, as they would otherwise be in as many years.

The other evil, necessarily resulting from this state of things, is (besides the rapid destruction of the boilers) a great waste of fuel, occasioned by the difficulty with which the heat passes through the incrustation on the inside, by the leaks which are thereby caused, and by the practice of "blowing out" periodically, as before mentioned, a considerable portion of the boiling water.

The manner in which the steam is condensed by Mr. Hall.

The obvious and, indeed, the only method to prevent the evils we have just described, is to return to the boilers the whole of the condensed steam; and this can be effected in no other way than by condensing it by means of cold surfaces, without any admixture of sea-water. This is accomplished on board the "City of London" by means of a vast number of small thin tubes into which the steam passes, and the heat is abstracted from it by an abundant supply of cold water on the outside; the whole being contained in two iron casings, each of which is about six feet long, four feet high, and five feet wide, placed at the fore part of the engines, which are of the collective power of 100 horses.

Efficiency of the new mode.

Such a mode of condensation is a desideratum which for many years has occupied the attention of engineers and others; but if we except Mr. Howard, who has succeeded in applying a similar principle to his "Vapour Engine," we may safely assert that very little success has hitherto attended their efforts. The application of Mr. Hall's method, however, is so successful as to leave nothing to be wished for, the power of the engines is not in our opinion diminished; and there is no reason to fear that the apparatus will not be durable, as it is not exposed to a degree of heat sufficient to injure it.

We have omitted to mention many advantages which would be derived from the application of this system of condensation, such as increased durability of certain parts of the engines, and the prevention of accidents, through carelessness or otherwise, arising from the condenser and air-pump becoming choked with injection water, and the additional security against the boilers being burnt, in consequence of the water in them being suffered to get too low.

These advantages and all others appear to us to be of secondary importance, when compared with the great increase of the durability of the boilers and the saving of fuel which must necessarily obtain.

We may observe, in conclusion, that the means of preventing a waste of steam when the engines are stopped, and the supplying of the boilers with distilled water to make good the loss occasioned by casual leakage, have been well considered by Mr. Hall, and he has adopted some ingenious and practicable contrivances to effect all that is necessary.

We are, &c.

(signed) *W. Lloyd,*
J. Kingston.

Capt. Supt. Warren, C.B.
Woolwich.

Appendix, No. 7.

DESCRIPTION of *Heavandoo Pholo*, the Northern Atoll of the Maldive Islands, by Lieutenant *T. Powell*, I. N., Assistant Surveyor, referred to in the Evidence of Major Head, 13 July 1837, (with a Map).

Appendix, No. 7.
Description of Heavandoo Pholo.

Geographical Site.—The Atoll Heavandoo Pholo, or Head of the Maldives, situated upon the meridian of Bombay, and between the parallels of 7° 7′ and 6° 55′, north latitude, consists of 22 islands, two islets, and two sand-banks, besides several small shoals and two large barrier reefs; the latter from the boundary of the Atoll to the S. W., W. and N. W., and along the outer edge, are dry at low water spring-tides; outside they are steep, having 50 and 60 fathoms close to them, and no ground at 150 fathoms at the distance of 300 yards.

The northern or principal barrier has ten islands and two small islets on it; one of the latter on its southern extremity being close to Heavandoo; these are all situated on the inner side of the reef, having three or four, and in some places six fathoms water, between them and its outer edge, with small channels for boats between each, formed by the natives having cleared away the coral rocks. Nearly in the centre of the Atoll there are three small islands; the eastern side is clear of shoals, with the exception of two small patches between Gullandoo and Mooradoo; but on the western there are several nearly dry, and some sunken patches, having from three to ten fathoms on them. The soundings vary from 20 to 34 fathoms, the latter being the greatest depth of water obtained.

Population.—Of the 22 islands composing this Atoll there are only seven inhabited, viz. Heavandoo, Koorafooree, Katefooree, Turracoon, Colligaum, Beeramerdoo and Mooradoo. In the margin* I have noted the number of inhabitants and boats upon each, by which it will be seen that the population, including men, women and children, does not exceed 760 individuals. The boats are all employed in fishing; the trade between this Atoll and Tilla Dow Madow, whence they are supplied with such articles as they require, being carried on in those of the latter.

*Islands.	Population.	No. of Boats.
Heavandoo -	150	6
Koorafooree	160	5
Katefooree -	70	3
Turracoon -	50	2
Colligaum -	150	4
Beeramerdoo	30	2
Mooradoo -	150	

The islands are so similar in form and natural productions, that it would be a waste of time to describe them separately; I shall therefore give a sketch of Heavandoo, the island of greatest importance in this group, not so much on account of its size as from its being the residence of the Sultan's Vizier when he visits the Atoll. It is of a triangular form, about one mile in length, and is composed of coral, elevated about 12 feet above the level of the sea; the western side is thickly covered with cocoa-nut and bread-fruit trees, and the northern and eastern with thick brush-wood; the interior, which is three or four feet lower than the sides, has been cleared by the inhabitants for the purpose of cultivating a small grain called bimbo: the supply, however, which with the exception of a few sweet potatoes, pumpions and limes, forming the only vegetable production of the island, is not sufficient for their support. The village consists of about 50 huts and 150 inhabitants, stands on the S. W. side; the huts, surrounded by spacious inclosures, are in general constructed of a frame-work of the wood of the cocoa-nut tree, the interstices filled up with leaves, stitched together, and the roof neatly thatched with the same material. In the vicinity there are good paths intersecting the island in different directions, which being kept remarkably clean by the women, form pleasant walks, shaded from the sun by the thick foliage of the cocoa-nut and other trees. Like the natives of the other Atolls they gain their livelihood by fishing. Cocoa-nuts, and the fish called by them grom-bemus (boneta), which are caught in great quantities, form their principal food. Rice being imported, is very scarce, and only procurable by the better class of inhabitants. Fresh water is plentiful, wells having been dug in almost every quarter of the island, but the best is procured from those situated in the burying ground. Fowls are abundant on the islands, but not easily procured, being remarkably wild and difficult to catch, and the natives too indolent to take the trouble necessary to secure them. Money, for which they have little use, will not fetch its full value, rice, tobacco and betel-nuts being the best medium of barter.

Weather.

October.—The winds moderate and variable from W. S. W. to N., with cool, pleasant weather, and occasional hard squalls, accompanied by heavy showers of rain.

November.—Light breezes from N. N. E. to N. N. W., and occasional squalls from the eastward until the 22d, when dark cloudy tempestuous weather and incessant rain set in from the W. N. W.; on the 27th it cleared up, and continued fine for the remainder of the month.

December.—Moderate breezes, generally from E. N. E., with pleasant, clear weather, occasionally from E. S. E. with squalls and rain. During these three months, the mean

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Description of Heavandoo Pholo.

temperature of the atmosphere ranged from 80° to 84°, frequently decreasing in the squalls to 78°; the tides are extremely irregular, and at all times influenced by the prevailing winds and currents.

During the strong westerly breezes the flood set to the eastward, and continued to run for the greater part of the day, but when they moderated, the ebb, in like manner, set to the westward, the water falling six or seven inches lower than I had ever seen it before, even on the springs.

In moderate weather, when the tides flow with somewhat greater regularity, the ebb always runs an hour and a half longer than the flood.

The rise and fall of water is then about five feet, and the velocity about a mile and a half per hour.

In October, November and December, the current to the westward of the Atoll set to the southward, at the rate of 36 miles per day; the natives say that it commences about the middle of September, and continues to the end of December, when the easterly winds set in, then turns to the westward, and runs in that direction until April.

Of this group, I conceive Heavandoo Island is better adapted than any other for a coal depôt; it lies nearly in a direct line between Point de Galle and Socotra, at about one-third of the whole distance from the former place, is easy of access in every direction, and possesses safe anchorages for ships and steamers in all seasons. During the S. W. monsoon a vessel could anchor on the east side of the island, between it and a small reef, dry at low water; in the N. E. monsoon the best anchorage is in the channel, between the island and the south barrier reef, in 16 or 17 fathoms, sand and rocks: opposite both these anchorages there are good landing places for boats, which are procurable in sufficient numbers, and may easily be made available for the landing or shipment of coals, &c. The natives, who are civil and peaceable, might, I think, be induced to work for a small hire, such as rice, tobacco, &c., or any other remuneration they might consider adequate.

In approaching Heavandoo Pholo Atoll from the eastward a vessel ought to sight Kilah, northernmost island of the Tilla Doo Mattee Atoll, and then steer across the channel to Heavandoo Island, passing close to Gullandoo, to avoid the small patches between it and Mooradoo.

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Appendix, No. 8.

Extract of a Letter from Capt. Johnston to Lord Wm. Bentinck.

EXTRACT of a LETTER from Captain *Johnston*, Superintendent of Steam Vessels in the Ganges, to Lord *William Bentinck*, dated Calcutta, 3 January 1837, delivered in by the Right Hon. Lord William Bentinck, 14 July 1837.

My Lord,

I HAVE just laid before the Government a report on the progress of internal steam navigation in India, with a request for eight additional iron steam-boats, and six accommodation vessels, to meet existing demand. The statements sent home exhibit: "First, the expense at which the four pairs of iron boats have been established; Secondly, that at which they will be maintained; Thirdly, the actual return for 12 months, showing a surplus of nearly one lac of rupees (10,000 *l.*) over an annual charge of two lacs, comprehending every possible item of expense, interest, depreciation, &c.

(signed) *James H. Johnston.*

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Bombay. Number and size of vessels required for effecting the communication with Bombay, *Peacock* 497–501. 539, 540——In 1836 three over-land mails reached Bombay in fifty-eight, forty-five and sixty-four days, *Turton* 992——Estimate of receipts by steam communication between Bombay and England, *Head* 1172, *Ev. p.* 99——Estimate of the expense of communication with Bombay, *Melvill* 1268–1279——If steam communication were restricted to Bombay, passengers, including women and children, could go dauk to Calcutta without difficulty; occasional impediments would arise, especially from heavy rain, *Melvill* 1317–1325——There would be no difficulty in establishing regular steam navigation between Bombay, Galle and Socotra; course a steamer should take; distance, rate and time calculated; description of vessel required, *Brucks* 1850–1857. 1875, 1876——The commercial gentlemen of Bombay contemplate the establishment of a private steamer to Ceylon; another is about to be sent to Calcutta, *Grindlay* 1920–1923.

See also *Agra. Despatches. Dundra Head. Plan for effecting a Steam Communication with the three Presidencies of India. Suez to Bombay.*

Bombay to Calcutta. The high rate of postage from Bombay to Calcutta would diminish the number of letters by steam; reason why they would go much cheaper by dauk, *Peacock* 749–761——Few passengers would pass by land between Bombay and Calcutta, if there were a communication by steam; ladies or their families could not possibly do so; the road is available by night only, *Turton* 1019, 1020——Number of steamers required for communication with Bombay and Calcutta *Melvill* 1259–1262——It would take sixteen days to go dauk from Calcutta to Bombay, and forty-nine to reach England by steam, making sixty-five days in all; but a month might be lost at Alexandria by not reaching it exactly when the packet is starting, *Peacock* 797, 798——Description of the over-land route between Calcutta and Bombay; average time occupied in passing over: the various impediments, *Elliott* 1475–1489.

Bombay to Madras. See *Madras and Bombay.*

Bombay to Mocha. See *Mocha to Bombay.*

Bombay to the Red Sea. See *Red Sea to Bombay.*

Bombay to Socotra. A passage might be made direct from Bombay to Socotra during the south-west monsoon, which is violent only within thirty or forty leagues of the coast of Bombay, *Nairne* 219, 220——The distance is upwards of twelve hundred miles; in case of the wind being very strong, a course to the eastward of south should be taken, *Nairne* 224–227——Not be necessary to go so far south as Goa; the wind never blows hard more than three days in the full and change, *Nairne* 228, 229——The passage from Bombay to Socotra, a distance of twelve hundred miles, too long for a steamer to make in the face of the south-west monsoon; she could not carry coal enough, *Dunn* 341–344. 358——If any accident happened to her machinery, she would have to go back to Bombay, *Dunn* 347——A steamer making a voyage from Bombay to Socotra would fall into the same track as the Point de Galle steamer that had passed through the eight-degree channel, *Dunn* 348–350——Evidence respecting voyages from Bombay to Socotra in a sailing vessel during the south-west monsoon; time occupied and course taken; weather generally fine the whole way, even during the south-west monsoon, *Wellstead* 384–400.——*See* also *Atalanta Steam Vessel.*

Bombay and Suez. Estimate of expense of a monthly communication between Bombay and Suez by four steamers of two hundred horse power, *Hobhouse, Ev. p.* 19—— Explanation of the present plan of steam communication from Suez to Bombay; it will be a considerable time before it can be realized, *Peacock* 836–840——Persons sending letters to India must not yet rely upon steam conveyance; more steamers will be built immediately, *Peacock*

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836–840——Estimate of expense for communication between Suez and Bombay, *Head* 1172, *Ev. p.* 100 —Estimated expense of running three steam vessels as packets between Bombay and Suez, each vessel to be from seven hundred to seven hundred and fifty tons, *Brucks* 1885, *p.* 174.

Bombay Government. Two steam vessels should be given to this government to be disposed of as it may think fit, *Waghorn Ev. p.* 2——Sentiments of the government of Bombay respecting steam communication; the same warm interest felt in it throughout India, especially in Calcutta, *Turton* 993–997.

Bombay Marine. Propriety of converting that force into a steam flotilla, *Hobhouse, Ev. p.* 22 ——Should be abolished, *Lord Bentinck* 1944.

Boulogne. The Boulogne steamers had one thousand persons a day, in consequence of the reduced fares, *Lardner* 1573.

Briggs, Samuel, Esq. (Analysis of his Evidence.)—A merchant in London, of the house of Briggs, Thornburn, Acraman & Co., and at Alexandria, in Egypt, of the house of Briggs & Co.; has resided, at various periods, above twelve years in Egypt, 1432, 1433 ——About twenty years ago visited Bombay, by the route of the Red Sea, embarking at Suez, and returning by Cosseir; object and results of his voyage, 1434——The Pacha Mahomed Ali affords protection to trade and travellers wherever his power extends, but to ensure his co-operation, it would be requisite to negotiate with him on these points; he may consent to a modification of the custom duty, 1435. 1451——The transit of merchandize through Egypt unopened, could only be arranged by special agreement with him; conditions which might obtain his consent, 1436——Enumeration of the articles of merchandize most likely to be conveyed by steam vessels from England to India, and *vice versâ,* 1438——Mode of packing by which the plague and other infection might be entirely excluded from these packages, provided they passed unopened through Egypt, 1439——General information respecting the plague in Egypt; much merit due to the Pacha for his endeavours to prevent its introduction from Constantinople and elsewhere, 1440–1446.

A full account of the Isthmus of Suez and of the Desert between Cosseir and Kench or Thebes; wells, roads and mode of travelling; equipments and provisions necessary for the journey, 1441–1457——Improvements suggested, by which the comfort and convenience of passengers might be increased, 1441——It would be good policy in the Pacha to encourage Indian and Maltese settlers, 1441——The Pacha is disposed to make carriage roads across the Isthmus and the Desert; two landaus are now building for him, 1442 ——His famous canal of Mahmoudia, between Alexandria and Cairo; all passengers and goods go by it to Cairo, and thence by Suez or Cosseir to the Red Sea, 1442——The Pacha has had rails sent from England to construct a railway across the Isthmus, 1442 ——No danger to be apprehended from the Arabs, 1443. 1457–1466——Monthly communication with India would cause many small articles to go by the Red Sea which now go by the Cape; but to send general cargo by steam would injure our trade by the Cape, and thus affect one of our best nurseries for seamen, 1444——Insurance of articles going by steam, 1445. 1447–1450——Remarks upon the routes by the Gulf of Akaba, in case of plague or war in Egypt, 1446——Nothing is likely to interrupt our intercourse with India by way of Egypt but civil war; circumstances that may give rise to it, 1453–1456——Remarks upon the ports of Cosseir and Suez, 1465–1469——Trade with Abyssinia might increase under favourable circumstances, but the country is always in a state of civil war, and consequent insecurity, 1470–1472.

Brucks, Captain *George Barnes,* of the Indian Navy. (Analysis of his Evidence.)—Has been thirty-one years in India, five of them in the Royal Navy; twenty-seven years constantly at sea, 1822–1823——Socotra would make a good depôt, as far as anchorage goes, 1824–1826——It is desirable to find anchorage for a floating depôt, under Cape Guardafui or Cape Felix, 1827——The Atalanta and Berenice would make a passage direct from Bombay to Socotra during the south-west monsoon, but it would not be advisable to do it, 1830, 1831——Proper course indicated; description of south-west monsoon, and the points from which it blows, 1834, 1835——Remarks respecting the gales in the Bay of Bengal and Bombay seas, 1836–1843——Description of a voyage to Point Palmyras during a strong south-west wind, 1844——Point de Galle might be made efficient headquarters for steamers, on a considerable outlay; it would be superior to Trincomalee in every respect, 1845——No difficulty in establishing regular steam navigation between Bombay, Galle and Socotra; course a steamer should take; distance, rate and time calculated; description of vessel required, 1850-1857. 1875, 1876.——The system of piracy in the Persian Gulf described; depredations of the Arab chief Abothubby; steamers should be employed not only for the purposes of communication, but of safety and protection, 1859–1868——Number required for the Red Sea and Persian Gulf; their duties defined, 1869–1873——Camaran objected to as a depôt, 1878——But one needed between Bombay and Suez, and that should be Perim, 1880——Estimate of the expense of the depôts and fuel given in, 1885.

Bunder Delechee. Is sheltered from the violence of the south-westerly winds by the mountains that rise up close by the shore, *Wellstead* 436.

Burdwan Coal. See *Coals,* 2. 4.

C.

Cairo. English engineers obtainable at an hour's notice from Cairo to repair vessels at Suez, *Waghorn* 53.
See also *Alexandria to Suez. Cosseir to Cairo. Maltese Labourers. Mokattam Hills.*

Cairo to Adfa. Distance from Cairo to Adfa by the Nile, *Galloway* 875.

Cairo and Suez. Wheel carriages are constantly used for passing over the deserts between Cairo and Suez, *Waghorn* 194——Passengers could go from Suez to Cairo without difficulty, *Wellstead* 487-489——The Pacha of Egypt has materials for forming a railroad from Cairo to Suez, *Peacock* 805-809——If there was a railroad from Cairo to Suez, engineers and workmen could be brought over in three or four hours, *Galloway* 906——A well has been discovered half way between Cairo and Suez; borings have been made, and good water found at the depth of two or three hundred feet, *Galloway* 909-914——For persons who are going for dispatch Suez would be the best station; those going for pleasure would prefer Cosseir, *Head* 1138——Account of the Isthmus of Suez and of the Desert between Cosseir and Kench or Thebes; wells, roads and mode of travelling, &c., *Briggs* 1441. 1457——Improvements suggested, *Briggs* 1441——The Pacha of Egypt has had rails sent from England, for the purpose of forming a railway across the Isthmus of Suez, *Briggs* 1442——The rail from Cairo to Suez surveyed by Galloway Bey in 1834, by direction of his Highness the Pacha of Egypt, referred to in the Evidence of A. Galloway, esq., 28 June 1837 (with a map), *App. p.* 202.

Calcutta. Statement of the wishes of the Calcutta community upon the subject of steam communication with India, *Turton* 969, 970——Should be one of the depôts for coals, *Barber* 1061, 1062.
See also *Coals. Dauk. Despatches. Hoogly. Letters and Newspapers. Postage.*

Calcutta to Agra. See *Agra.*

Calcutta to Bombay. See *Bombay and Calcutta.*

Calcutta to Canton. Voyage from Calcutta to Canton in the Forbes steamer, towing another vessel, *Henderson* 932-939. 945, 946. 951.

Calcutta to Madras. See *Hoogly to Madras.*

Calcutta and Mocha. See *Mocha and Calcutta.*

Calcutta and Point de Galle. Two more steamers requisite between Point de Galle and Calcutta, *Peacock* 541-543 — Under favourable circumstances a well adapted steamer could make the passage from Calcutta to Point de Galle in six or seven days; her average run would be 150 miles a day, *Peacock* 665-670——Not the smallest difficulty in making the passage from Calcutta to Point de Galle in the south-west monsoon, *Barber* 1027——Gales seldom occur, and last only 24 hours, *Barber* 1028.

Calcutta to Socotra. See *Socotra and Calcutta.*

Calcutta and Suez. The larger the steamer the better for the voyage between Calcutta and Suez, *Dunn* 355-357——The charge for passengers from Calcutta to Suez should be greater than from Calcutta to England by a sailing vessel, because the expense of sending a steamer to Suez is far greater, *Peacock* 712-729——It would be better to have two distinct lines from Calcutta to Suez, making them meet upon the Desert; by the proposed arrangement there would be no detention either way, *Turton* 1007.

Calvert, Mr. His proposition for effecting a steam communication with India, *App. p.* 199.

Camaran, Island of. Objections to a steam establishment being formed at the Island of Camaran, *Waghorn* 51, 52——Further objections to the Island of Camaran as an establishment for steam vessels; a bar extends itself entirely across the entrance, *Waghorn* 82-101——There is no bar at its entrance, *Head* 1127-1132——It is a good harbour, and partially susceptible of cultivation; no difficulty in the navigation into the harbour *Wellstead* 446-463. 473, *Peacock* 571, *Turton* 991, *Head* 1127-1132——Is nearly as good for a port as Perim, and more convenient for the passage to Socotra, as it divides the distance better, *Turton* 991——Is one of the best places that can be obtained as a coal depôt, *Peacock* 571, *Head* 1091-1098. 1127-1132, *Lardner* 1566, 1567.
Objections to, as a depôt for coals, *Brucks* 1880——A lucrative trade might be drawn to Camaran by establishing a European market, *Head* 1133——This island particularly recommended as a station for steamers, *Lardner* 1566, 1567——Would be under our own control, and safe from the incursions of the Arabs, *Lardner* 1568——Suggestion respecting the placing of hulks there, furnished with fuel, workshops and duplicates of machinery, *Lardner* 1568——The general opinion among the naval officers of the Red Sea is in favour of Camaran as a depôt, having a good harbour, with a sufficient quantity of water for a steamer, *Mackenzie* 1666, 1667.——*See* also *Coals,* 4. *Depôts for Coals.*

Camfida. Objectionable as a depôt, from the indifferent anchorage it affords, *Wellstead* 470.

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Canton. See *Calcutta to Canton.*

Cape of Good Hope. The Cape of Good Hope route recommended for letters and passengers to Calcutta, that of the Great Desert and Persian Gulf to Bombay; the length of that passage would be 11,500 miles, the time 60 days; vessels to be changed at every station; twelve would be required, *Peacock* 799–804.——*See* also *Commerce.*

Captains of Vessels. The captain of a steamer should be conversant with the details of the engine, otherwise he will be the slave of the engineer, and cannot manage a vessel so far from Europe, *Lardner* 1616.

Carnac, Sir *J.* See *Court of Directors.*

Cashmere Shawls. A house in Paris is already in treaty with their Bombay agents for Cashmere shawls by the route of Mocha, *Waghorn* 116, 117.

Ceylon. In the passage from Ceylon to the mainland a steamer might pass between the Bassas and the island, *Nairne* 249, 250——The barometer generally gives two days' notice of an approaching gale on the east coast of Ceylon, *Dunn* 351, 352——Estimate of receipts for steam communication with Ceylon in excess of the same to Bombay only, *Head* 1172.——*See* also *Despatches. Letters and Newspapers.*

Ceylon to Australia. See *Merchants.*

Clipper. A ship built for fast sailing, *Henderson* 929, 930.

Coals:

1. *Generally.*
2. *Coal best suited for Steam Vessels.*
3. *Mode of Conveyance, &c.*
4. *Price of Coals in India, &c.*
5. *In Syria.*

1. *Generally:*

To save the time occupied in taking in coals, it would be better to have another vessel ready, *Peacock* 502–507. 671–675——Coals might be laid out at Mocha, Jidda and the Island of Heavandoo, *Head* 1157–1161——Quantity of coal a steamer of six hundred and fifty tons ought to take for a voyage to India, what run it would enable her to effect, and at what rate per day and hour, *Morgan* 1356–1361——The limit which is imposed to the supplying coals to a steam-ship is not a limit of space, it is a limit of immersion, *Lardner* 1557.

2. *Coals best suited for Steam Vessels:*

Burdwan coal will only do for short stations and local purposes on the rivers and coasts of India; it is thirty-five per cent under the quality of Welsh coal, *Waghorn* 1, *Ev. p.* 2——The only Indian coal available for navigation is the Burdwan; charge for its freight, *Peacock* 553–559——The best description of coal to send across to Suez would be that taken out in ballast by the Liverpool vessels; this mode of supply would also be the most economical, *Head* 1152–1155——Qualities of the different sorts of coal, *Oliver* 1816–1820——The better the coal the greater the advantage to the boiler, and the less the consumption the less injurious the effect on the boiler, *Oliver* 1818.

3. *Mode of Conveyance, &c.:*

They should be sent direct from England to Bombay, Trincomalee and Calcutta by way of the Cape of Good Hope, *Waghorn* 1, *Ev. p.* 2——The coals for Suez and the Red Sea above Mocha should be conveyed to Alexandria and there discharged into an iron flat boat, built expressly for the Nile, *Waghorn* 1, *Ev. p.* 2——Can be obtained at Madras; you cannot always touch at Madras, *Peacock* 676——Coals might be transported from Mocha to Aden, which might be made the station, *Melvill* 1240.

4. *Price of Coals in India, &c.:*

Evidence respecting the price and consumption of coals, *Peacock* 560–573——Price of the best Burdwan coals; if additional facilities were given for bringing them to the coast considerable demand and lower prices would be the result, *Turton* 1014, 1015——Price at which coals could be supplied to Socotra, Camaran and Suez; mode of conveyance, *Head* 1153–1156——Mr. Peacock's evidence respecting the cost of coal for the Hugh Lindsay on a voyage between Bombay and Suez is not correct data for the present day, *Head* 1162, 1163——By having coal at Aden instead of Mocha, 10*s.* per ton will be saved; expense occasioned by the fixed winds in the Red Sea, *Head* 1167, 1168——Probable cost of coal in India and in the Red Sea, *Lardner* 1608–1615.

5. *In Syria:*

Some very superior coal and iron have been discovered in Syria within 18 miles of the sea, *Galloway* 914–917——Those found in Syria are supposed to be applicable to steam navigation; it is in progress of experiment, *Head* 1151——Whether it would be desirable to work the mines in Syria, since coal may be delivered at Alexandria from this country at a very moderate cost, *Head* 1152, 1153.

See also *Depôts for Coals. Steam Vessels,* 1.

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Cochin. Recommended as the starting and arriving point for Indian passengers; no difficulty in steamers entering the harbour during the south-west monsoon; sailing vessels could not, *Sim* 1225, 1226——It might be made a point of great commercial importance, *Johnstone* 1893.

Coffee. See *Massouer.*

Collyer's Boilers. See *Pluto Steam Vessel.*

Commerce. The merchants in Egypt expect to derive great advantage from our steam intercourse with India, in consequence of the traffic that will grow up from it, *Waghorn* 107, 108, *Mackenzie* 1669, 1670——There is a great deal of traffic in Egypt, and much more might be created; enumeration of articles, the sale of which would be increased by facility of conveyance, *Galloway* 872, 873, *Briggs* 1438——The Australian merchants are very anxious for the establishment of a steam communication with India, and propose carrying it on from Ceylon to Australia, *Barber* 1040–1045——Commercial men doubt the importance of rapid communication; they do not want the bills to anticipate the goods, *Peacock* 768——Enumeration of articles of merchandize most likely to be conveyed by steam vessels from England to India, and *vice versâ*, *Briggs* 1438——Monthly communication with India would cause many small articles to go by the Red Sea which now go by the Cape; to send general cargo by steam would injure our trade by the Cape, and thus affect one of our best nurseries for seamen, *Briggs* 1444.

See also *Egypt. Plan for effecting a Steam Communication with the three Presidencies of India*, 2.

Comprehensive Plan. See *Plan for effecting a Steam Communication with the three Presidencies of India.*

Condensers:

1. *Generally.*
2. *Hall's Patent Condensers.*
3. *Howard's Condensers.*

1. *Generally:*

Difference between Howard and Hall's principle of generating steam, *Lardner* 1605–1607.

2. *Hall's Patent Condensers:*

They are absolutely necessary for Indian steamers; objections to them answered; they have been under experiment for two years and have not once failed, *Morgan* 1418–1424——Iron boilers can be used with them, because they entirely prevent incrustation, and they also render Welsh coal more valuable, *Morgan* 1425, 1426. 1428, 1429——Contrivance by which they obviate the liability to incrustation, *Morgan* 1430——Evidence respecting the structure and efficiency of them; they require the test of longer experience before they can be used on the Asiatic side of Egypt, *Lardner* 1594——Recommended for steam vessels employed on this side of Egypt, because always within reach of repairs, *Lardner* 1594——They keep the boiler clean, spare its wear and tear, and save fuel; number of vessels constructed upon that principle; the condensers should be applied to the steam communication with India, *Kingston* 1694–1730——They seem to promise well, *Oliver* 1804–1815——Letter from J. Barrow, esq. to F. W. Mullins, esq. M. P., transmitting report of T. Lloyd and J. Kingston, esqrs. on the trial of Hall's condensing apparatus, *App. p.* 215–217.

3. *Howard's Condensers:*

His plan for generating steam; it has not obtained that point of certainty which would warrant its adoption even on this side of Egypt, and much less on the Asiatic side, *Lardner* 1605–1607.

Copper Boilers. See *Boilers.*

Correspondence with India, &c. If a communication by steam vessels from England to Calcutta be effected in a passage of about two months, the greater portion of private correspondence could take that channel, *Elliott* 1450——Comparative amount of correspondence and mercantile intercourse between the different presidencies and this country, *Lardner* 1581——Supposed number of letters which would go by the Red Sea instead of the Cape, notwithstanding the present difference of postage, *Lardner* 1582, 1583.

Cosseir. The harbour is safe, *Head* 1169——Is very small; it is not good anchorage when the wind blows from the east or north-east, *Briggs* 1467–1469.——*See* also *Wells.*

Cosseir to Cairo. Despatch sent from Cosseir to Cairo in seven days; it was sent as a matter of course by an ordinary Arab conveyance, *Head* 1141——Description of the iron boats which would be required upon the Nile for the purpose of carrying on the communication between Cairo and Cossier, *Head* 1149, 1150.

Cosseir and Mocha. Distance between Mocha and Cosseir is seven hundred and eighty miles, *Waghorn* 7.

See also *Suez and Cosseir.*

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Cotton. See *Massouer.*

Court of Directors. Mr. Melville's letter, communicating to the Board of Control their views with respect to steam navigation to India; apportionment of expense, postage, &c., *Ev. p.* 16——Letter of Sir J. Carnac, proposing the trial of steam communication between London and Bombay, and dauk from Bombay to Madras and Calcutta, *Ev. p.* 18.

Currents. See *Point de Galle. Red Sea,* 1.

Curtailment of Space. None of the late plans for curtailment of space in steamers have yet undergone the test of experience, *Morgan* 1410–1412.

Customs Duties. See *Pacha of Egypt.*

D.

Damascus. Dromedary posts established from Bagdad to Damascus, and from Damascus to Beyrout, to co-operate with the Euphrates expedition, *Hobhouse, Ev. p.* 15.

Dauk. The government of India have accelerated the dauk so as to convey packets from Bombay to Calcutta in eight or ten days, and to Madras in seven days, *Ev. p.* 18—— Mode of carrying the dauk, *Elliott* 1484–1490——Information respecting the dauk-banga, and the passage by sea from Bengal to Bombay, *Elliott* 1490–1499——Memorandum showing the shortest time hitherto occupied by any one dauk between certain places, in March, April and May 1835, *Elliott, p.* 129——In the event of steam communication being confined to Bombay, all passengers, except single men, would go to Calcutta and Madras by the Cape of Good Hope, to avoid the overland journey to Bombay, *Johnstone* 1901, 1902.

Deposits in Boilers. See *Lime.*

Depôts for Coals. See *Arabia. Camaran,* Island of. *Felix, Cape. Guardafui, Cape. Heavandoo* or *Heawandee,* Island of. *Hodeida. Jidda. Macullah. Madras. Perim,* Island of. *Point de Galle. Socotra,* 2. *Soheia. Stations. Tamarinda Bay. Trincomalee. Yambo.*

Desert of Cosseir. See *Wells.*

Desert of Suez. See *Suez.*

Despatches. Public despatches and correspondence are at present conveyed between England and Calcutta almost entirely by sailing ships, and not by the overland despatch, *Elliott* 1475, 1476——Return of the number of bags and boxes of despatches sent to and received from Ceylon, Bombay, Madras and Calcutta, by private ships, in three years ending 5th October 1834, 1835 and 1836, *App.* 198.

Directors of the East India Company. See *Court of Directors.*

Donderahead. See *Dundra Head.*

Dromedary Posts. See *Damascus.*

Dundra Head. The passage round Donderahead to Bombay has been made several times, *Henderson* 925-931——A steamer would easily encounter the current going round Dundra Head; but in the south-west monsoon the best passage from Galle to Socotra would be through the one-and-a-half degree channel, *Barber,* 1032.

Dunn, Sir *David.* (Analysis of his Evidence.)—Has been post-captain for twenty-four years; was at Trincomalee from 1832 to 1835; is well acquainted with the Bay of Bengal and the shore, 252–255——No difficulty in a good European steamer making the passage from Hoogly to Madras and Point de Galle; her course would be from the floating light to Point Palmyras, and thence close along the shore to Madras; witness has anchored in all parts of the coast in the height of the south-west monsoon, 256–262——Rate at which the Berenice would perform this voyage of about eighty miles, 262–269——The monsoon gales blow home most furiously, but do not last more than thirty-eight or forty hours; are easily avoided, as the barometer acts invariably during these periodical storms, 264–266——The harbour of Trincomalee the only one; a vessel overtaken by a monsoon must make an offing of one hundred miles and lie-to, 268–270——No difficulty in navigating the Bay of Bengal during the north-east monsoon, which is not so strong as the south-west; a steamer could go six or seven miles an hour against the north-east monsoon, 272–274.

The harbour of Point de Galle might be used as a post for steamers, 275–276—— Trincomalee would afford ample accommodation for steamers requiring repair if artificers resided there, 277–282——The difficulties which would occur in making the passage from Point de Galle to Socotra enumerated; means of overcoming them; the navigation of the Indian seas not more difficult than that of the Bay of Biscay, 283–304——The strength of the current and power of the south-west monsoon extend to the distance of one hundred or one hundred and fifty miles from the Bossas; a powerful steamer would make way against them at the rate of five miles an hour, 305, 306——Course to be taken afterwards;

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Dunn, Sir *David.* (Analysis of his Evidence)—*continued.*

afterwards; in the event of the machinery breaking, it might be made a sailing passage, 307–312——Information respecting the different rate per mile at which a vessel would accomplish this passage under the modifying influences of wind and current, 313–340——The passage from Bombay to Socotra, a distance of twelve hundred miles, too long for a steamer to make in the face of the south-west monsoon; she could not carry coal enough, 341–344. 358——If any accident happened to her machinery she would have to go back to Bombay, 347.

A steamer making a voyage from Bombay to Socotra would fall into the same track as the Point de Galle steamer that had passed through the eight-degree channel, 348–350——Effects of the moon under the line, 351——The barometer generally gives two days' notice of an approaching gale on the east coast of Ceylon, 351, 352——A steamer would probably receive assistance from some of her sails during the whole passage between Point de Galle and Socotra, 354——The larger the steamer the better for the voyage between Calcutta and Suez, 355–357.

Duties at Mocha. The English flag exempts vessels from paying duty at Mocha; nothing English is taxed, *Waghorn* 71–75.

See also *Massouer. Pacha of Egypt. Transit Duty.*

E.

East India Company. See *Postage. Stations. Steam Navigation to India.*

East Indies. See *Plan for effecting Steam Communication with the three Presidencies of India. Steam Navigation to India.*

Education. The best education India can afford does not qualify an individual for general usefulness to his countrymen, to the same extent as an English education, *Turton* 1012.

See also *Natives of India.*

Egypt. Witness encountered neither difficulty nor danger through Egypt; description of the desert, and the facilities of crossing it, *Turton* 966, 967——Our communications with India through Egypt very dependent upon the ruling sovereign, *Galloway,* 882, 884——Remarks on the advantageous position of Egypt; its commerce would be greatly increased by steam communication with India, *Head,* 1137——Is a very impoverished country, and the money spent by passengers going through it would be of immense benefit to the people, *Head,* 1148——The transit of merchandize through Egypt unopened could only be arranged by special agreement with the pacha; conditions which might obtain his consent, *Briggs,* 1436.

See also *Commerce. Engineers. Labour. Pacha of Egypt. Population. Trade.*

Eight-degree Channel. See *Point de Galle. Socotra.*

El-Arish. See *Akkaba,* Gulf of.

Ellenborough, Lord. When president of the Board of Control, carried into effect the recommendation of the Select Committee of 1834 on Steam Navigation to India, *Hobhouse, Ev. p.* 14.

Elliott, The honourable *John.* (Analysis of his Evidence).—Was postmaster-general in Calcutta from 1829 to 1835, 1473, 1474——Public despatches and correspondences are at present conveyed between England and Calcutta almost entirely by sailing ships, and not by the overland despatch, 1475, 1476——Description of the overland route between Calcutta and Bombay; the average time occupied in passing over, 1477——The various impediments and dangers from heavy rain, inundations, jungles and tigers, 1478–1488——Females and children can never go by this route; the strongest men only at particular seasons, 1489——Mode of carrying the dauk, 1490——Information respecting the dauk-banga, and the passage by sea from Bengal to Bombay, 1490–1499——If a communication by steam vessels from England to Calcutta could be effected in a passage of about two months, the greater portion of private correspondence would take that channel, 1500——Fair rate of postage on letters and newspapers going by steam, adopted by the Court of Directors in February 1835, 1501——Proportion of the whole correspondence likely to be conveyed by steam, 1502——The more the communication can be improved, the greater the number of letters will be, 1504. 1515–1517——The posts throughout the Bengal presidency were accelerated when witness was there, 1505——Delivers in a table showing in what degree they were accelerated, 1506——Whether the Red Sea route would be preferred, if more expensive than the Cape route, 1507–1509——Communication between the different ports of India is dsirable, the overland journey from Bombay being so inconvenient, 1518–1522.

Report, 1837—*continued.*

Elphinstone, The honourable *Mountstewart.* (Analysis of his Evidence).—A communication with India by steam would be highly advantageous in a political and moral point of view, 1928–1929——The effect of this intercourse on the members of the Company's service; in settlers, missionaries, editors of newspapers, merchants, travellers, and the natives of India, 1930–1932, 1934——No evil consequences apprehended from the influx of natives into England, 1933.

Engineers in Egypt. There are always a good many engineers in Egypt; great many of the natives have been educated as engineers, *Galloway* 900, 901——Steamers coming into Suez in want of repair could be easily repaired, though not with as much dispatch as in England, *Galloway* 902–904.

F.

Falmouth. See *Alexandria and Falmouth. Plan for effecting a Steam Communication with the three Presidencies of India. Quarantine.*

Falmouth to Suez. The average passage from Falmouth to Suez is twenty-three days, *Peacock* 792–794.

Felix, Cape. Desirable to find anchorage for a floating depôt under Cape Felix, *Brucks* 1826.

Field's Paddle Wheels. See *Paddle Wheels.*

Firefly Steam Vessel. Tonnage and horse-power of the Firefly steamer, *Waghorn* 169–171.

Forbes Steam Vessel. See *Calcutta to Canton.*

Freight. But little space for profitable freight in the Red Sea steamers; there would be room for treasure, which is usually considered the perquisite of the captains, *Peacock* 762–764——There would be ample freight for the less bulky articles in large steamers; enumeration of those articles, and the places which would be benefited by the traffic, *Turton* 1016, 1017——Steamers, if regular and of sufficient capacity, would eventually receive freight for India to a considerable amount; at present the natives would be jealous of interference; the rich pilgrims would in a short time make use of them, *Wellstead* 490–493.

Freight and Insurance. Consideration of the comparative rate of freight and insurance of steamers going by the way of the Cape and the Red Sea, *Waghorn* 122–128.

French Steam Vessels. They are superior to the English; great improvements of late years in the engines, and the French engineers have paid great attention to the minutiæ of vessels, *Morgan* 1364–1369——They do not make greater way than the English, *Lardner* 1634.

Fuel. The quantity of fuel might at some seasons of the year, except during the monsoon, be diminished, and the vessel equally immersed by cargo, *Morgan* 1408, 1409——The economy in fuel depends upon the stokers, *Lardner* 1616.——*See* also *Coals.*

Furlough. Expediency of letting the civil and military officers of India return by steam to England for their furlough, instead of going to the Cape of Good Hope; it would be reasonable to leave them the option, *Peacock* 814–830——Defects of the Indian regulations relative to furlough, *Peacock* 831–835——The question of furlough discussed, *Melvill,* 1332–1235, *Mackenzie* 1682–1689.
See also *Officers. Steam Navigation to India,* **1.**

G.

Gales. Remarks respecting the gales in the Bay of Bengal and Bombay seas, *Brucks* 1836–1843.

Galloway, Alexander. (Analysis of his Evidence.)—A civil and manufacturing engineer; has been six months in Egypt, 856–858——Railroads between Alexandria and Adfa, Cairo and Suez would reduce the distance from Alexandria to Suez to twenty-four or thirty hours, 861. 873–874——There is a railway from the Mokattam Hills for supplying Cairo with stone, 862, 863——Plan for conveying water along the line; length of the proposed line, &c., 864–870——Price of labour in Egypt, 871——There is a great deal of traffic in Egypt, and much more might be created; enumeration of articles the sale of which would be increased by facility of conveyance, 872, 873.

Distance from Cairo to Adfa by the Nile, 875——The Pacha has only one steam-boat on it, but would have more if he met with encouragement, 877——He does not require pecuniary aid from this country, 878——He has no steamer on the Red Sea, but contemplates having two for bringing his own produce, 880.

The Pacha would not object to the passage of troops through Egypt, 881——His character and that of his son and grandson; our communications with India through Egypt very dependent upon the ruling sovereign, 882–884——The Nile at its lowest state

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Galloway, Alexander. (Analysis of his Evidence)—*continued.*

state is as navigable as the Thames to Richmond, 885——The plague need not affect the regularity of the intercourse, 886–888——Trade between Alexandria and Europe, 889–891——The Pacha will establish a reasonable rate of custom duties upon goods coming by the Red Sea; he will not charge for traversing the Nile, unless his own vessels are used; nor will he levy port dues, 892, 893.

At Bolack there is one of the first iron foundries in the world; and an abundance of engineers in Egypt, so that a steamer could be repaired at Suez, 899–905——If there were a railroad from Cairo to Suez, engineers and workmen could be brought over in three or four hours, 906——Mode in which the boilers of the locomotive engines are to be supplied with water, 906-908——A well has been discovered halfway between Cairo and Suez; borings have been made and good water found at the depth of two or three hundred feet, 909–914——Some very superior coal and iron have been discovered in Syria within eighteen miles of the sea, 914–917.

Ganges. There are steam-vessels working on the Ganges, *Head* 1131. 1149, 1150.
See also *Steam Navigation to India*, 2.

Golandos Channel. See *Point de Galle to Socotra.*

Goobet Gollonsier. Is sheltered from the north-east monsoon and swell of the sea, by the projecting point affording shelter to vessels lying there at that period, *Wellstead* 436.

Grindley, Captain *Melville.* (Analysis of his Evidence.)—Was in the Company's military service at Bombay for fourteen years; has been returned above twenty years, but has kept up a most extensive correspondence with every part of the British India, 1908–1910——In India the feeling in favour of the comprehensive plan is as strong as possible, and almost universal; no other plan will afford either adequate accommodation or any general degree of satisfaction, 1911–1813——Passengers from Calcutta and Madras would scarcely be benefited at all by the confined communication with Bombay; being for the far greater part females, children, and persons in ill-health; they could not encounter the overland journey to Bombay, 1926.——The expense of the Red Sea route would not exceed that of the Cape, either in reference to passengers or commanders, 1914, 1915——The attractions, natural and historical, of the Mediterranean and Red Sea route would induce the majority to prefer it, 1914——A strong argument in favour of the comprehensive plan is, that a very small proportional difference of expenditure will accomplish a much more advantageous result, 1917, 1918——The commercial gentlemen of Bombay contemplate the establishment of a private steamer to Ceylon; another is about to be sent to Calcutta; there are already some in Australia, 1920–1923.

Guardafui, Cape. Desirable to find anchorage for a floating depôt under Cape Guardafui, *Brucks* 1826.

H.

Hall's Patent Condensers. See *Condensers*, 2.

Harbours. See *Cossier. Socotra*, 1.

Head, Major *Charles Franklin.* (Analysis of his Evidence.)—Has given the subject of steam navigation to India great attention for the last six or seven years; presented a report in 1833 to the India Board, India House, and to His Majesty, 1081——Examined the proposed route six years ago; it is quite practicable, 1088——Monthly communication can be accomplished during all times of the year, 1090——Socotra and Camaran the best depôts we can have, 1091–1093——Perim is well calculated for a depôt as to position; Aden is better situated for a depôt, 1093–1098——Macullah would be useful for a depôt, 1094–1098——The line of continuous communication should begin from England to Alexandria, combine all sources of profit, and be connected with commercial and post-office arrangements, 1100——With the present post-office regulations it will not make an ample return, the cost of conveyance for pamphlets, periodicals, &c., being tantamount to a prohibition, as they can only be sent as letters, and paid by weight, 1100——The Indian community very anxious to have publications, parcels, law papers, &c., transmitted by mail, not in the letter-bags, but by the same conveyance; this transmission would contribute at least 15,900*l.* a year, 1099–1108.

Number of vessels to be employed, their tonnage and power, 1109——Economy requires that larger vessels than 600 tons should not be used at first, 1115–1117——If larger ones were subsequently requisite, the smaller ones could be easily disposed of; the steam navigation in the Indies would take some of them, 1118–1119——Imaun of Synd has contracted for two steam-boats; the native princes desire to carry the communication as high as Hyderabad; commercial advantages of navigating the Indus by steam, 1120——Steam navigation is rapidly extending, 1122——Communication between Point de Galle, and between the Isle of France and Ceylon, now under consideration, 1121——It is peculiarly adapted for narrow seas, where the trade wind prevails; vessels which are now detained for months would be carried through them in a few days, 1121–1122.

Report, 1837—*continued.*

Head, Major *Charles Franklin.* (Analysis of his Evidence)—*continued.*

Representations have been made from several commercial towns of England, Scotland and Ireland, desiring steam communication with India by the Red Sea, 1124——Parties at all the presidencies in India are prepared to support the measure; there would be no difficulty in accomplishing this object, provided it met with the approbation of Government and the East India Company, 1124——Advantages of Camaran as a depôt; a good smooth harbour, with anchorage at all times; no bar at the entrance; it has a fort and about one hundred families, who trade with Abyssinia, Arabia and Mocha, 1127–1132——A lucrative trade might be drawn there by establishing an European market, 1133——The people all along the shores of the Red Sea are very anxious to possess themselves of various manufactures, 1133.

In 1809 the amount of duties in Massouer was twenty or thirty thousand dollars, 1135——A recent survey of the Red Sea by Captain Moresby, shows that there would be no difficulty in establishing agents there, 1135——Cotton, coffee and indigo are the spontaneous product of the country, 1135——The establishment of a depôt at Socotra would bring a great deal of trade into it from the eastern coast of Africa, 1136——The commerce of Egypt would be greatly increased, 1137–1138——Persons going for pleasure would choose the route of Kennah on the Nile to Cosseir, 1138–1139——The sea of Suez, which for two or three months in the year, when the wind blows strong, is more difficult for steamers than the southern part of the Red Sea, would be avoided; but persons desiring dispatch would choose the route of Suez; for packages and parcels Suez would be preferable, 1138–1141——There are several wells in the Desert of Cosseir; they should be deepened and protected; they are boring with success in the Desert of Suez, 1142, 1144.

The Pacha has expressed his desire for the communication, and is anxious to forward it, 1145–1148——Passengers are now treated with civility and kindness, by order of the present Pacha, 1146——Description of the iron boats which would be required upon the Nile for the purpose of carrying on the communication between Cairo and Cosseir, 1149–1150——Steam-boats might also navigate from Alexandria to Rosetta, 1149–1150——Coal has been found in Syria, 1151——Whether it would be desirable to work these mines, since coal may be delivered at Alexandria from this country at a very moderate cost, 1152–1153.

The best description of coal to send across to Suez would be that taken out in ballast by the Liverpool vessels; this mode of supply would also be the most economical, 1152–1155——Price at which Socotra, Camaran and Suez may be supplied with coal; mode of conveyance, 1153–1156——Coals might also be laid down at Mocha, Jidda and the island of Heavandoo, 1157–1161——Mr. Peacock's evidence respecting the cost of coal for the Hugh Lindsey on a voyage between Bombay and Suez, is not correct data for the present day, 1162–1163——The accommodation of passengers, upon the plan of the free-traders, gives general satisfaction; in a Government establishment the object is not so easily accomplished, 1164–1165——On any but the combined plan there would be danger of insufficient returns, 1165——Great moral advantages expected from its connexion with the internal navigation of India by the Ganges and the Jumna, 1166——By having coal at Aden instead of Mocha, 10*s.* per ton will be saved; expense occasioned by the fixed winds in the Red Sea, 1167–1168——The harbour of Cosseir is safe, 1169——Commercial and political advantages of a general steam communication with the different presidencies of India, 1170——Estimate of the expense of the different communications; first, between England and Bombay; secondly, from England, to include all India, 1172.

[Second Examination.]—Copy of the plan of May 24, 1836, for a comprehensive steam-communication with India, 1175——Erroneous statements in a letter from the Secretary of the Board of Control to the Postmaster-general, 1176——Difference between the plan first submitted to Government by the London committee and that now given in, 1177——The extended communication recommended, 1178——Both plans are equally practicable; the expense of the comprehensive plan is less in proportion to its receipts; miscarriage in the confined plan might lead to total failure, 1179.

[Third Examination.]—Report received from Calcutta respecting Captain Moresby's survey of Heawandee; particulars concerning the same; description and map of Heawandee delivered in, 1927.

Head, Major. Communication from him relative to steam navigation to India, *App. p.* 204–207.

Heevandoo, or *Heewandee Island.* One of the Maldive Islands surveyed by Captain Moresby; might be made a depôt for coals, *Head* 1159–1161——Report sent from Calcutta, stating that this island is capable of receiving a steamer at all times of the year, and of affording safe anchorage, *Head* 1927——Description of Heavandoo Pholo, the Northern Atoll of the Maldive Islands, by Lieut. T. Powell, R. N., assistant surveyor, referred to in the evidence of Major Head, 13 July 1837 (with a map), *App. p.* 217.

See also *Coals,* 1.

Hedjekz. Places in which the holy cities of Mecca and Medina are situated; have not been infected by the plague more than once, *Wellstead* 483–486.

Helena,

Helena, St. Recommended as a station for steam vessels going the Cape route, *Peacock* 512, 513.

Henderson, Captain *Andrew*. (Analysis of his Evidence.)—Has commanded steam and sailing vessels in the Indian seas for 20 years, 918, 919——A steamer would encounter no difficulty in going from the mouth of the Hoogly to Point Palmyras, thence to Madras, and thence to Point de Galle, and it would go at the rate of five or six miles an hour, 920–924——A steamer could make a direct passage from Point de Galle through the Golandos Channel to Socotra, 926–930——The passage round Dondera Head to Bombay has been made several times, 925–931——Voyage from Calcutta to Canton in the Forbes steamer, towing another vessel, 932–939. 945, 946. 951——The monsoons nothing to a powerful steamer, which can ride out a hurricane as well as any other vessel, 940, 941——A powerful steamer could easily make the port of Socotra, 942–944——The piracy of the Indian seas might be easily put down, 947–950——Size of vessels required for steaming between India and Suez, 952–956.

Hobhouse, Sir *John*. (Analysis of his Statement.)—Correspondence and papers showing what has been done since 1834 with respect to steam communication with India, *Ev. p.* 14——Correspondence with various departments of the Government relative to steam navigation to India, *Ev. p.* 17–19——Papers referred to in his evidence, 15 June 1837, *App. p.* 193–201.

Hodeida. An open roadstead; a very indifferent situation for a depôt, *Wellstead* 468.

Hoogly to Madras. The course from the Hoogly to Madras should be from the floating light to Point Palmyras, or, in case of strong winds, within the Island of Andaman, *Nairne* 205–210, *Dunn* 256–262——There could be no difficulty in a good European steamer making the passage from Hoogly to Madras and Point de Galle, *Dunn* 256–262——Rate at which the Berenice would perform this voyage of about eighty miles, *Dunn* 262, 263.

Hoogly to Point de Galle. A steamer would encounter no difficulty in going from the mouth of the Hoogly to Point Palmyras, thence to Madras, and thence to Point de Galle; it would go at the rate of five or six miles an hour, *Henderson* 920–924.

Howard, Mr. See *Condensers*, 3.

Hugh Lindsay Steam Vessel. The Directors of the East India Company have sent out orders to the Governor-general of India to place this vessel between Suez and Mocha to carry mails, passengers, &c., *Waghorn*, 1——Description of this vessel; her inferiority to vessels of later date, *Waghorn* 34–40——She passed nine times up and down the Red Sea without impediment from either the winds or currents, *Waghorn* 81. 133——She never carried any cargo, *Waghorn* 132, 133——In consequence of orders given by the Governor-general of India, the Hugh Lindsay has made four voyages to Suez, *Hobhouse, Ev. p.* 14——The Hugh Lindsay experienced great difficulty in getting fuel and other things from the main land during her voyages, *Gardner* 1568.
See also *Coals*, 4.

I.

Imaun of Synd. Has expressed his intention to contract for two steamers, *Head* 1120.

Incrustation. See *Condensers*, 2.

Indian Seas. The navigation of the Indian seas not more difficult than that of the Bay of Biscay, *Dunn* 283–304.——*See* also *Piracy*.

Indian Navy. Number of vessels in the Indian navy, eleven or twelve; annual expense, 100,000*l.*; employed in checking piracy and taking surveys, *Melvill* 1303–1307.

Indigo. France imports indigo exclusively from Calcutta, *Waghorn* 120, 121.
See also *Massouer*.

Insurance. Insurance by steamers may be effected cheaper, or at the same rate as by sailing vessels, *Briggs* 1445. 1447–1450.——*See* also *Freight and Insurance*.

Invalids. The situation of invalids at Calcutta, who want to go to sea in a south-west monsoon, would be much ameliorated by the establishment of regular steamers, *Turton* 1018.

Iron Boats. See *Coals*, 3. *Cosseir to Cairo*. *Nile River*.

Iron Boilers. See *Boilers*. *Condensers*, 2.

J.

Jidda. Has hitherto been used as a coal depôt; it is fronted by innumerable coral rocks, and not accessible by night, *Wellstead* 471——Is admirably adapted for a coal depôt; a beautiful harbour; very good anchorage, and very capacious, *Mackenzie* 1665.
See also *Coals*, 1.

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Johnston, Captain. Extract of a letter from Captain Johnston, superintendent of steam vessels in the Ganges, to Lord William Bentinck, dated Calcutta, 3d January 1837; delivered in by the Right hon. Lord William Bentinck, 14th July 1837, *App. p.* 218.

Johnstone, The Right hon. *Alexander.* (Analysis of his Evidence.)—Was sixteen years in Ceylon; offices successively filled, 1886——Was sent officially to England by the government of Ceylon in 1809, to propose various measures for restoring the ancient trade of the island, and improving the condition of the natives; statement of these measures, 1887——They would be forwarded by making Point de Galle a station for steamers, for which purpose it is admirably fitted, 1888——Its advantages, 1889——The deepening of the Pambam channel would probably be effected for the convenience of the Indian steamers, and this would greatly benefit the northern part of Ceylon; that channel was rendered impassable in the fourteenth century; the cause of this explained; it would cost 20,000*l.* to deepen it, 1891. 1894——Cochin might be made a port of great commercial importance, 1893——Sketch of the moral and political advantages the natives of India will derive from a regular and frequent communication with England, 1895——Danger need not be anticipated from the diffusion of knowledge amongst the Indians, 1891——The steam communication should be established with all the presidencies; but if it is to be limited to one of them, Calcutta should be preferred, 1892–1900. 1906——In the event of the communication being confined to Bombay, all passengers except single men would go to Calcutta and Madras by the Cape of Good Hope, to avoid the overland journey from Bombay, 1901, 1902——Steam communication will induce many persons to visit India, and will increase the sale of periodicals, and literary works of that description, 1903–1905.

Jumna. See *Steam Navigation to India,* 2.

K.

Kingston, John. (Analysis of his Evidence.)—One of the engineers to the Admiralty; has been on duty about twelve years, 1690–1693——Hall's condensers keep the boiler clean, spare its wear and tear and save fuel; number of vessels constructed upon that principle; the condensers should be applied to the steam communication with India, 1694–1730——Morgan's paddle-wheels wear out fast, and are too complicated to be used where it would not be easy to get them properly repaired, 1731–1735——Mr. Field's wheel seems to promise great advantages; description of it, 1736–1738——Vessels for the steam service should not exceed six hundred tons, 1741.

They would weather a gale better than larger steamers, and suffer less from wear and tear, 1742–1745——A steamer of six hundred tons should have from two hundred and sixty to two hundred and seventy horse power, 1745——If her form were good, she could use her power without straining herself under the water in making headway, 1746–1748——The forms of the Unicorn and the Eagle recommended; description of the former, 1749, 1750——An excess of power a great advantage, 1751–1753——Steamers of one thousand tons offer no advantages, 1754——Those of six hundred tons would accommodate sixty passengers comfortably; there might not be much room for a cargo, 1755–1758.

L.

Labour in Egypt. Price of labour in Egypt, *Galloway* 871.

Labourers. See *Maltese Labourers.*

Lardner, Dr. *Dionysius.* (Analysis of his Evidence.)—Has been devoted to scientific pursuits for many years, and particularly to those branches connected with steam, 1523–1525——Recommends vessels of one thousand tons burthen and two hundred and fifty horse power, smaller ones being unable to cope with the south-west monsoon, 1526——They should be duplicates; the voyage should be divided into short stages; stages indicated, 1526——Paper delivered in, showing the distance each steamer will have to perform, and the coal and time she will consume, 1526. 1530–1532——Number of steamers required; their size, and locomotive duty, 1532——The proportion of tonnage to power must be determined by the voyage to be performed without a relay of coals, 1533, 1534——No steamer should ever make headway against the south-west monsoon; she should tack and take advantage of the lulls, 1537——Calculation of the relative distances, and rates per hour the same quantity of coal would carry a steamer under the varying circumstances of wind and weather, 1537–1539.

[Second Examination.]—Proportion between the power and tonnage of steamers; their speed would be affected by different proportions, 1540–1546——Reasons for preferring a vessel of one thousand tons and a proportionate horse power to vessels of the size of the Atalanta and Berenice, 1547–1556. 1564, 1565——Estimate of the number of tons which a vessel of one thousand tons, with the proportion of power of one to four, could spare for cargo, 1557——Five hundred and fifty tons would remain for crew, stores, cargo, and about one hundred first-class passengers, 1557, 1558——Heavy cargo sinks the vessel

too

Lardner, Dr. *Dionysius.* (Analysis of his Evidence)—*continued.*

too deep, but for light goods there would be ample room, 1557——The coal-boxes of vessels that have long trips to take should be tanked, and the trim of the vessel maintained by replacing the coals with sea-water, 1557–1561——Estimate of the comparative annual expense of two steam-ships of different tonnage, 1562.

Fitness of the harbours of the Red Sea for steamers; the Island of Camaran recommended as the intermediate station between Socotra and Suez; there is no bar at the entrance, 1566–1568.

The Hugh Lindsay experienced great difficulty in getting fuel and other things from the main land, 1568——Advantages of Camaran as a station, 1568——Hulks furnished with fuel, &c. should be placed at Socotra, to prevent disturbance and delay; there are two sheltered harbours at Socotra, 1568——The present number of passengers that pass between England and India is three thousand two hundred a year, 1569——That number will be greatly augmented by the establishment of steam communication, 1569——In all cases where railroads have been established, the intercourse has increased in an immense proportion, 1569——Since steam-boats have been established with the Peninsula, more than ten times the number of persons go abroad, 1571——The Boulogne steamers land one thousand persons a day there, in consequence of the reduced fares, 1573——The fare of the Red Sea route may be reduced, without deduction from the profits, 1574——The subject of fares discussed, and a table of fares for the stages drawn up, 1575–1580——Comparative amount of correspondence and mercantile intercourse between the different presidencies and this country, 1581–1583.

Commercial intercourse will be enlarged, 1584——Remarks on the transfer of cargo from one steamer to another, in reference to insurance, 1585——General information respecting the machinery to be used in steamers destined for long voyages; makers recommended, 1587——The process of incrustation in boilers explained, 1587——The water of the Red Sea not likely to produce more deposit than that of any other sea; fresh water has more lime, and that is the most mischievous ingredient of the deposit, 1588–1590——Ordinary remedies applied to this evil, 1591——The structure and efficiency of Hall's condensers considered, 1591–1593. 1597–1604——Difference of opinion respecting them, 1594——Recommended for the service on this side of Egypt, because always within reach of repairs, 1594——Difference between Howard's principle and Hall's explained; Howard's has not attained to that point of certainty which would warrant its adoption, 1605–1607——The subject of coal discussed in reference to price, quality and mode of conveyance to Suez, 1608–1615——A constant change of vessel in hot climates advisable, both for the vessels and the engineers, 1616.

Witness gives in a paper, showing the cost of a steam-ship and its annual expense; annual cost between India and Suez, exclusive of stations; the whole time between London and Calcutta, 1616——Considerations which influence witness in allowing an unusual complement of mechanical skill, 1616——The economy of fuel depends upon the stokers, 1616——Reasons why the captain should be conversant with the details of the engine, 1616——Observations upon boilers, float-gauges and other apparatus, 1617–1619——Copper boilers far preferable to iron; they are double the expense, but last longer; if Hall's condensers are used, iron boilers will do, 1620, 1621——The subject of explosion considered, 1623, 1624——Opinion respecting the different kinds of paddle-wheels; Mr. William Morgan's are on an improved plan, but too complex to be trusted on the Asiatic side of Egypt, 1625——The split paddle is more efficient than the common paddle, and very simple, 1625——The Medea has Morgan's paddles; it is not advisable to unship the paddles; temporary adjustment, alterable at pleasure at sea, is incompatible with the stability and strength required, 1625–1628.

It would not be expedient to connect the present establishment of Mediterranean packets with the Indian station, 1529——Passengers and despatches arriving at Alexandria from Suez would frequently, in crossing over to Malta, be detained there a month, waiting for the Malta steamer, 1629, 1630——It is essential to the success of the steam enterprise, considering it as a passenger line, that quarantine should be performed at Falmouth rather than at Malta; present rules of quarantine, 1631, 1632——Size of steamers to work between Alexandria and Falmouth; six or seven hundred tons sufficiently large, 1633——French steamers do not make greater way than the English, 1634——If efficient steamers are established between Alexandria and Falmouth, the correspondence from England to India need not go by Marseilles, 1635——The mails would not save time by that arrangement, 1636.

Leave of Absence. See *Furlough.*

Letters. Return of the number and amount of letters landed at the ports in Ireland from the presidencies in India, viz, Madras, Bombay, Calcutta and Ceylon, for one year, 5th January 1837, *App. p.* 198.——*See* also *Suez to Bombay.*

Letters and Newspapers. Return of the number and amount of letters and newspapers received by private ships from the island of Ceylon and the three presidencies of Bombay, Madras and Calcutta, in three years ending 5th October 1834–1836, *App. p.* 197——Similar return of the number and amount of letters and newspapers sent by private ships to the same places, *App. p.* 197.

Report, 1837—*continued.*

Lichfield, Earl of. Letter from W. L. Maberly, esquire, to the Earl of Lichfield, dated 3d February 1837, on the proposition from the Company associated to promote steam navigation to India, *App. p.* 194–196.

Liverpool Vessels. See *Coals,* 2.

Lime. Fresh water has more lime than salt water; lime is the most mischievous ingredient of the deposit in the boilers, *Lardner* 1588–1590.

Lodhiana. A steam-boat might communicate with Lodhiana, by an eighteen days' passage, from Bombay, *Hobhouse, Ev. p.* 22.

M.

Machinery. General information respecting the machinery to be used in steamers intended for long voyages, *Lardner* 1587. *See* also *Monsoons. Steam Vessels.*

Mackenzie, Captain. (Analysis of his Evidence.)—Of the Bengal cavalry; left India in December 1835, and came in a native vessel from Calcutta up the Red Sea through Egypt at the season of the north-east monsoon, 1636–1640——Touched at Cochin, Mocha, Jidda, Cosseir, and crossed the Desert of Thebes, 1646——Found water in the wells there, 1648, 1649——Thought the route easy and interesting, and met with other travellers of the same opinion, 1654, 1655——Conversed with several English and Americans travelling for pleasure, who would have no hesitation in going to see India if steam communication were established, 1657——Of the twenty-five officers who came overland with witness, twenty went to Sicily, and the rest to England direct by the Falmouth packet, 1658——Witness found the voyage by the Red Sea less expensive than round by the Cape; particulars respecting it, 1659–1664——Jidda is admirably adapted for a coal depôt; Mocha not so good; general opinion is in favour of Camaran, but witness did not stop there, 1665–1667——The Pacha is as anxious as the English for the steam communication; his reasons for being so, 1668——The merchants witness saw there were equally so; they think that it will greatly increase their trade with India, 1669, 1670——It may also be the channel of the Turkey trade to India and China, 1669.

Articles specified that would eventually pass that way, 1670——Extent of the Pacha's dominions; his officers, both civil and military, highly favourable to the English, and most courteous to British travellers, 1671——Mode in which the Pacha removes his troops from the Nile to the Red Sea, 1673, 1674——The water of the Desert is good enough for culinary purposes, 1675——Observations respecting the plague, 1676–1678——General desire of the civil and military officers of Bengal for steam communication, 1679, 1680. 1682——Whether the rates charged by the Cape of Good Hope and the Mediterranean for passengers should be raised or lowered, 1681——It would be good policy to give the same privileges to Indian officers coming to England, with regard to retaining their appointments and allowances, as they at present possess going by Egypt or the Cape of Good Hope, 1682–1689.

Macullah. Would be an admirable depôt during the north-east, but could not be approached during the south-west monsoon, *Wellstead* 423, 424——It would be useful as a depôt, *Head* 1094–1098.

Madras. Should be a depôt for coals, *Barber* 1061, 1062.
See also *Dauk. Despatches. Letters and Newspapers. Hoogly to Madras. Passengers,* 3. *Point Palmyras.*

Madras to Bombay. The inhabitants of Madras and the civil and military officers of India are very anxious for a steam communication with Bombay, *Sim* 1222–1238——The land route is very inconvenient and expensive, and almost impassable by ladies, *Sim* 1222–1238.

Madras and Calcutta. See *Plan for effecting a Steam Communication with the three Presidencies of India.*

Madras to Point de Galle. In the voyage from Madras to Point de Galle a powerful steamer could make head against the south-west monsoon, *Nairne* 216–218.
See also *Monsoons. Trincomalee.*

Madras Roads. The land and sea breezes prevail all along the coast, but do not extend far out to sea during the south-west monsoon, *Nairne* 212–215.

Mahmoudia Canal. All passengers and goods go by this canal to and from Cairo, and thence by Suez or Cosseir to the Red Sea, *Briggs* 1442.

Mails. See *Piracy.*

Malta Packets. See *Postage. Quarantine.*

Maltese Labourers. Great number of Maltese labourers and artisans have for years been settled at Alexandria and Cairo, *Briggs* 1441.

Report, 1837—*continued.*

Manar. See *Adam's Bridge.*

Marseilles. Merchants in Marseilles can receive valuable articles from Bombay in thirty days by Mocha through Egypt, *Waghorn* 115——Lord Palmerston concurred in the expediency of transmitting the Indian mails through France to Marseilles to save time, *Hobhouse, Ev. p.* 21.

Marseilles and Alexandria. The route by Marseilles is the quickest, cheapest and the best that can be devised for the transmission of India letters, &c., *Waghorn* 1——The steamers carrying the goods from Marseilles to Egypt realize an immense income; expediency of establishing steamers of our own between Marseilles and Alexandria, *Waghorn* 119——Steam packets go from Alexandria to Marseilles every ten days; the distance from India to Marseilles direct is one thousand miles less than by Gibraltar, *Peacock* 841–844.

Massouer. Amount of the duties received in 1809 at Massouer, as stated by Mr. Salt; recent survey of the Red Sea by Captain Moresby shows that there would be no difficulty in establishing agents there, *Head* 1135——Cotton, coffee and indigo are the spontaneous product of the country, *Head* 1135.

Mecca. See *Hedjekz. Plague.*

Medea, H. M. Frigate. Is a very good sailing ship; her structure, &c.; capacity for fuel, *Oliver* 1783–1794——Her equipment as a vessel of war amounts to an immense weight, *Oliver* 1796, 1797——The Medea described; considered by witness a perfect vessel, *Turton* 971.——*See* also *Steam Vessels*, 1.

Medical Students. If a steam communication with India is opened, medical students from the college in Calcutta would come over to England to study, *Turton* 1012.

Medina. See *Hedjekz.*

Mediterranean Packets. They will not form a sufficiently continuous chain for steam communication to England, *Barber* 1075——They were built twelve years ago, when steam navigation was in its infancy; this will account for their insufficiency; new ones have been lately employed, *Morgan* 1370–1374——It would not be expedient to connect the present establishment of Mediterranean packets with the Indian one, *Lardner* 1529——Sir John Barrow's estimate of the expense, exclusive of repairs, of one steam vessel therein, *Hobhouse, Ev. p.* 20.

Melvill, James Cosmo. (Analysis of his Evidence.)—There is not sufficient depth of water in the inner harbour of Mocha for steamers of the burthen of the Atalanta and Berenice when fully laden, 1239——This difficulty may probably be overcome; if not, Perim can be substituted, 1239——Coal could be transported from Mocha to Aden, which might be made the station, 1240——The monthly conveyance of letters from India may, even now, be expected, but more steamers are requisite to insure it; in the meanwhile sailing vessels will, to a great extent, supply the deficiency, 1241–1245——The conveyance of public despatches would be accelerated by sending them through France to Marseilles, instead of direct from England by the Malta packets, 1246, 1247——Passengers as well as letters will go to India by the steamers; an arrangement profitable to the Company, and convenient to all parties, 1248–1251——Arguments against the tripartite scheme, 1252–1258——Number of steamers required for communication with Bombay and Calcutta, 1259–1262——The practicability of steaming against the south-west monsoon from Bombay is still a matter of opinion, 1263–1265.

Estimate of the expense of communication with Bombay, 1268–1279——It is highly probable that the profits derived from the extended communication would be adequate to its expense, 1280–1286——Amount of additional earnings requisite to secure it the preference in a pecuniary point of view, 1287——A large steamer could take one hundred or one hundred and fifty tons of general cargo, besides passengers, and thus realize ample returns, 1288–1290——Remarks on the trade of the Arabian Gulf with India, 1291–1296——Risk and legal liabilities incurred by transhipping cargo, 1297–1302——Number of vessels in the Indian navy, eleven or twelve; annual expense 100,000*l.*, 1303–1305——Employed in checking piracy and taking surveys, 1306, 1307——The service against pirates should not be performed by vessels conveying the Bombay mails; piracy would be better opposed by steamers, 1309–1311——The Indian Government is anxious to increase the number of steamers in Bengal; at present they have but three for general service, 1312–1316——If the communication were restricted to Bombay, passengers, including women and children, could go dauk to Calcutta without difficulty; occasional impediments would arise, especially from heavy rain, 1317–1325——Political, commercial and social advantages arising out of regular and rapid communication with India, 1326–1331——The question of furlough discussed, 1332–1335.

Merchants. See *Commerce. Marseilles.*

Military. Mode in which the Pacha of Egypt removes his troops from the Nile to the Red Sea, *Mackenzie* 1673, 1674——Description of steam vessels best adapted for the quick conveyance of troops; the very largest class recommended, *Oliver* 1772–1782.

Report, 1837—*continued.*

Mocha. Should be the grand depôt for fuel between all India and Suez, *Waghorn* 1, *Ev. p.* 2.——Will not answer for a coal depôt, *Peacock* 571, *Turton* 989, 990——Recommended as a place for repairing the machinery of steam vessels, *Waghorn* 51, 52——There is an abundance of water for the use of the steam vessels, but it is not very good, *Waghorn* 102, 103——Cannot be made available as a station for steamers; it is an open roadstead, and during nine months of the year very little communication can be had with the shore, in consequence of the southerly winds, *Wellstead* 445, *Mackenzie* 1664, 1665——No vessel drawing more than ten and a half feet of water can go into the inner anchorage there, *Peacock*, 571, *Melvill* 1239——There is not sufficient depth of water in the inner harbour of Mocha for steamers of the burthen of the Atalanta and Berenice, when fully laden, *Melvill* 1239——Is an open roadstead, where the south-east monsoon blows with constant violence; the anchorage is comparatively safe, as it seldom blows in squalls or hurricanes, *Mackenzie* 1664, 1665.

See also *Coals*, 1. *Cosseir and Mocha. Duties. Opium.*

Mocha to Bombay. No steam vessels should attempt the passage direct from Bombay to Mocha from the 15th May to the 15th September, *Waghorn* 1, *Ev. p.* 2——Interruptions have occurred between Mocha and Bombay; none between Mocha and Calcutta, *Waghorn* 190.——*See* also *Atalanta Steam Vessel.*

Mocha to Calcutta. Three steamers should go between Mocha and Calcutta, touching either way at Socotra for fuel, when necessary, and anchoring at Trincomalee and Madras a certain number of hours, &c., *Waghorn* 1, *Ev. p.* 2.

Mocha to India. Six more steamers, each of eight hundred and fifty tons burthen, are required to perfect the communication from Mocha to all India, *Waghorn* 1, *Ev. p.* 2——Observations on the tracks which should be followed by steamers navigating between Mocha and the continent of India during the north-east and south-west monsoons, *Waghorn* 1, *Ev. p.* 3.

Mocha to Socotra. Voyage from Mocha to Socotra takes three or four days, *Waghorn* 104.

Mocha to Suez. Proposition for two steam vessels to ply constantly between Suez and Mocha; they should be of the same size, and about five hundred and fifty tons burthen, *Waghorn* 1, *Ev. p.* 2——The distance between Mocha and Suez is one thousand and forty miles, *Waghorn* 6——There is no difficulty in steam navigation between Mocha and Suez, *Waghorn* 8, 9——Relative length of passage from Suez to Mocha, and from Mocha to Suez, *Waghorn* 20–22——A good steamer only five days going from Suez to Mocha, *Waghorn* 40——The voyage from Mocha to Suez can be made every fifteen days, by having three steamers at work, *Waghorn* 44, 45——Width and safety of the channel, including the Straits of Juba, *Waghorn* 26–33.——*See* also *Hugh Lindsay Steam Vessel.*

Mokattam Hills. There is a railway from the Mokattam Hills for supplying Cairo with stone, *Galloway* 862, 863.

Monsoons:

1. *Generally.*
2. *North East.*
3. *South West.*

1. *Generally:*

A steamer would go four or five miles an hour against the strongest monsoon, without danger to the machinery, *Nairne* 221–223——By making traverses the vessel might be much eased, and this should be done for a day or two at the spring tides, *Nairne* 238–244——The monsoon gales blow home most furiously, but do not last more than thirty-eight or forty hours; the barometer acts invariably during these periodical storms, *Dunn* 264–266——A vessel overtaken by a monsoon between Madras and Point de Galle must make an offing of one hundred miles, and lie-to, *Dunn* 268–270——The monsoons make but three or four days' difference between Suez and any port in India, *Turton* 1008——Both in the north-east and south-west monsoon one of the passages could be made under sail, *Barber* 1072, 1073——They are nothing to a powerful steam vessel, which can ride out a hurricane as well as any other vessel, *Henderson* 940, 941——The navigation of the Indian seas by steamers offers no difficulty, even during the monsoons, that cannot be easily surmounted, *Lord W. Bentinck* 1950.——*See* also *Aden.*

2. *North East:*

Is not so strong as the south-east monsoon, *Dunn* 272–274——A steamer would go six or seven miles an hour against it, *Dunn* 273——A very powerful steamer would run two hundred miles in the Bay of Bengal against the north-east monsoon, *Peacock* 665–670.——*See* also *Bengal*, Bay of. *Goobel. Gollensier.*

3. *South West:*

South-west monsoon is strong, and blows for a week together, *Waghorn* 18——The strength of the current and power of the south-west monsoon extend to the distance of one hundred or one hundred and fifty miles from the Bassas, *Dunn* 305, 306——

A powerful

Monsoons:—3. *South West*—continued.

A powerful steamer would make way against them at the rate of five miles an hour, *Dunn* 305, 306——In the full and change of the moon the south-west monsoon is very squally, *Dunn* 351, 352——Too much importance is attached to the south-west monsoon; a large steamer would find no difficulty in going from Bombay to Socotra against it, *Wellstead* 400–409——Course to be pursued; periods to be observed, *Wellstead* 400–406——Extent of the south-west monsoon; during its prevalence coals cannot be obtained from the Arabian coast, *Wellstead* 428–431——Effect of the south-west monsoon on the navigation of the Bay of Bengal, *Peacock* 662, 663——The practicability of steaming against the south-west monsoon is still a matter of opinion, *Melvill* 1263–1265——No steamer should ever make headway against the south-west monsoon; she should tack and take advantage of the lulls, just like a sailing vessel, *Lardner* 1537.

See *Cochin. Dundra Head. Macullah. Madras to Point de Galle. Mocha and India. Point de Galle.*

Morgan, William. (Analysis of his Evidence.)—An engineer; has made steam power and steam machinery his exclusive study; the subjects of tonnage, power, boilers, form, machinery, building and cost, discussed with reference to steamers for communication with India, 1336–1351——Communication with all the presidencies more practicable than with Bombay only, 1352——Remarks upon the passage between Bombay and Socotra, in reference to the size of vessels best fitted for it, 1353——It is easier to go from Galle to Socotra, than from Bombay to Socotra; reasons given, 1354, 1355——Remarks upon the quantity of coal a steamer of six hundred and fifty tons ought to take; what run it would enable her to effect, and at what rate per day and hour, 1356–1361——Opinion of the Berenice, 1362, 1363——French steamers superior to English; reasons given, 1364–1369——The Mediterranean packets were built twelve years ago, when steam navigation was in its infancy, and this will account for their inefficiency; some new ones have been lately employed; their speed, 1372–1374——A steamer taking coals for two thousand two hundred miles will not accomplish the passage, by headway, between Bombay and Socotra, with the weather against her, but will be obliged to make southings, 1377, 1378——An effective steamer is a non-effective sailer, 1379——The Medea not an exception, 1380.

Twelve vessels required for the entire line between Falmouth and the three presidencies; the communication could not be efficiently kept up with a smaller establishment, 1381–1387——Four steamers and a spare one would be sufficient to communicate with Calcutta, Madras and Ceylon from Socotra, 1388, 1389——They should be duplicates, both in size and machinery; convenience and advantages of this arrangement, 1390——Witness furnished Major Head and the gentlemen of the Provisional Committee with particulars respecting the probable expense of a general communication with India 1391, 1392——The shortest possible stations recommended, not only for the relief of the vessel and the men, but because long stations occasion a deposit of salt in the boiler, and other accidents to the machinery, by which the consumption of coal is exceedingly increased, 1393–1395——The expense of various stations would be more than counterbalanced by the diminished wear and tear of the vessels, 1396.

Vessels of six hundred and fifty tons will take seventy passengers, but no general cargo, without great diminution of speed; the twenty spare tons are for parcels and things of value, which are small and light, 1398–1402——A larger vessel would have but little comparative space if her power were made equal to her size, 1403, 1404——Her speed will diminish in proportion to her cargo, 1405–1407——The quantity of fuel might at some seasons of the year, except during the monsoons, be diminished, and the vessel equally immersed by cargo, 1408, 1409——None of the late plans for curtailment of space in steamers have yet undergone the test of experience, 1410–1412——Collyer's boilers, 1413–1416——Hall's patent condensers are absolutely necessary for Indian steamers; objections to them answered; they have been under experiment for two years, and have not once failed, 1418–1424——Iron boilers can be used with them, because they entirely prevent incrustation; they also render Welsh coal more valuable, 1425, 1426. 1428, 1429——Contrivance by which Hall's condensers obviate the liability to incrustation, 1430——Injurious effects of the saline deposit, especially in the Red Sea, the waters of which are strongly impregnated with it, 1427.

Morgan, Mr. Additional answer to Question 1353, in his Evidence, 4 July 1837, *App. p.* 202.

Morgan's Paddle-wheels. See *Paddle-wheels.*

N.

Nairne, Captain *Alexander.* (Analysis of his Evidence.)—Commanded the General Kidd in the East India Company's service eight voyages, 195–198——No difficulty in a steamer making a passage up and down the Bay of Bengal in all monsoons; power of steamers, as evinced by the Attwood from Rotterdam, and the Clarence and Monarch from Leith, 199–204——The course from the Hoogly to Madras should be from the

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Nairne, Captain *Alexander.* (Analysis of his Evidence)—*continued.*

floating light to Point Palmyras; or in case of strong winds, within the Island of Andamans, 205–210——No difficulty in going down the coast from Point Palmyras to Madras, 211——The land and sea breezes prevail all along the coast, but do not extend far out to sea during the south-west monsoon, 212–215.

In the voyage from Madras to Point de Galle a powerful steamer could make head against the south-west monsoon, 216–218——A passage might be made direct from Bombay to Socotra during the south-west monsoon, which is violent only within thirty or forty leagues of the coast of Bombay, 219, 220——A steamer would go four or five miles an hour against the strongest monsoon, without danger to the machinery, 221–223——The distance is upwards of twelve hundred miles; in case of the wind being very strong, a course to the eastward of south should be taken, 224–227——It would not be necessary to go so far south as Goa; the wind never blows hard more than three days in the full and change, 228, 229——From what witness observed in his passage from Leith to London in the Clarence, he should apprehend no danger to the machinery, 230–237——By making traverses the vessel might be much eased; and this should be done for a day or two at the spring tides, 238–244——There is a strong current round the Point de Galle, which might make it difficult at times for steamers to round the point, 245–248——In the passage from Ceylon to the mainland a steamer might pass between the Bassas and the island, 249, 250.

Natives of India. The morals and domestic happiness of the natives endangered by increased contact with Europeans, *Peacock* 777–781——Considerations respecting the remedy for this evil; the law at present in force for their protection against settlers not efficient; it meets with opposition from the European community, *Peacock* 782–73——Defects of the law of the Company; the natives know nothing of the English law, and the language they use is totally unknown to the European population, *Peacock* 767–791. 795, 796——The natives of India would gladly avail themselves of an English education, especially if classes were made for them in the University of London or elsewhere, *Turton* 998–1001——The rapidity of steam intercourse may induce the natives of India to come over to England for scientific purposes; they have hitherto objected to the sea, *Peacock* 810–813.

Steam communication is the only means of drawing the natives over to England, and making their assistance useful to us and to their own country, *Turton* 998–1001——The more intercourse the Indians have with Europeans the juster will their notions become on the policy as well as propriety of good faith and honesty, *Turton* 1012——Danger need not be anticipated from the diffusion of knowledge amongst the Indians, *Johnstone* 1891——No evil consequences apprehended from the influx of natives of India into England, *Elphinstone* 1933.

Newspapers. See *Periodicals.*

Nile, River. The Pacha of Egypt has only one steam-boat on it, but would have more if he met with encouragement, *Galloway* 877——The Nile, at its lowest state, is as navigable as the Thames to Richmond, *Galloway* 885——The water of the Nile is very sweet and will keep a long time, *Mackenzie* 1675.——*See* also *Cosseir to Cairo.*

O.

Officers in India. Indian officers are very anxious for the establishment of a steam communication with India, *Barber* 1038, 1039, *Sim* 1222–1238——General desire of the civil and military officers of Bengal for steam communication, *Mackenzie* 1679, 1680. 1682——It would be good policy to give the same privileges to Indian officers coming to England, with regard to retaining their appointments and allowances, as they at present possess going by Egypt or the Cape of Good Hope, *Mackenzie* 1682–1689.
See also *Furlough.*

Oliver, Captain *Robert,* R. N. (Analysis of his Evidence.)—Has been commander and captain nearly ten years; during the last six has commanded the Dee and the Phœnix steamers, and been interested in other vessels, 1759–1762——Power and tonnage of the same, 1763——The proportion of tonnage to power depends upon the purposes for which a vessel is employed, 1764, 1765——Witness's experience leads him to agree with Dr. Lardner respecting the tonnage and power of steamers for the Indian service, 1766–1771, 1798, 1799——Description of steamers best adapted for the quick conveyance of troops; the very largest class recommended, 1772–1782——The Medea steamer a good sailing ship, 1783, 1784——Her structure, masting, rigging and capacity for fuel, &c., 1785–1793——Her equipment as a vessel of war amounts to an immense weight, 1796, 1797——Diagram delivered in, showing the maximum distance yet made under steam at one time without a stop, 1783–1799——Further observations respecting paddles, 1800–1803——Hall's condensers seem to promise well, 1804–1815——Qualities of the different sorts of coal, 1816–1820.

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Opium. Very little used at Mocha; Turkish opium will be sent in the steamers to India *Waghorn* 114.

Overland Mails. Time occupied in forwarding despatches from London to Bombay and Calcutta respectively, as stated in a despatch, September 1836, *Hobhouse, Ev. p.* 15.
See also *Bombay. Despatches.*

P.

Pacha of Egypt. The Pacha of Egypt would give every facility for the establishment of an intercourse with India through his territories; his interest to do so, *Waghorn* 55–58, *Peacock* 805–809, *Head* 1146, 1147, *Mackenzie* 1668——No reason to apprehend the exaction of a tribute, *Waghorn* 59——He wishes to have steam communication established; he would allow English troops to pass, and do anything in his power to facilitate the proposed intercourse, *Peacock* 805–809, *Galloway* 881——His character is that of his son, *Galloway* 882——He does not require pecuniary aid from this country, *Galloway* 878——Will establish a reasonable rate of custom duties upon goods coming by the Red Sea, *Galloway* 892——He will not charge for traversing the Nile unless his own vessels are used, nor will he levy port dues, *Galloway* 896——Has expressed himself much interested in the question of steam communication with India, *Head* 1146——He has offered to establish a railroad with the view of facilitating it, *Head* 1147——He is disposed to make carriage roads to facilitate the communication between Alexandria and the Red Sea, *Briggs* 1442——Affords protection to trade and travellers wherever his power extends, but to insure his co-operation it would be requisite to negotiate with him; he may consent to a modification of the custom duty, *Briggs* 1435–1451——Would be good policy in him to encourage Indian and Maltese settlers in Egypt, *Briggs* 1441——Is very anxious for a steam communication being opened with India by the Red Sea, *Mackenzie* 1668——Extent of his dominions; officers, both civil and military, highly favourable to the English, and most courteous to British travellers, *Mackenzie* 1671.——*See* also *Military. Nile River.*

Packet Boats. See *Steam Vessels.*

Packet Service. Table showing the organization of the packet service, the postage of letters so transmitted, and the rate of postage, *App. p.* 200.

Packing Goods. Mode of packing goods by which the plague and other infection might be entirely excluded from the packages, provided they passed unopened through Egypt, *Briggs* 1439.

Paddle-wheels. Opinion respecting the different kinds of paddle-wheels in use, *Lardner* 1625, *Kingston* 1731–1735, *Oliver* 1800–1810——The split paddle-wheels are more efficient than the common one, and very simple; it would be advisable to adopt them, *Lardner* 1625——It is not advisable to unship the paddles; temporary adjustment, alterable at pleasure at sea, is incompatible with the stability and strength required, *Lardner* 1625–1628, *Oliver* 1800–1803.

Field's wheel seems to promise great advantage; description of it, *Kingston* 1736–1738, *Oliver* 1810.

Morgan's paddle-wheels wear out fast, and are too complicated to be used where it would not be easy to get them properly repaired, *Lardner* 1625, *Kingston* 1731–1735, *Oliver* 1808–1811.

Palmerston, Lord. See *Marseilles.*

PASSENGERS:

1. *Generally.*
2. *Rate of Charges to be made.*
3. *Increase or Decrease in their Numbers.*

1. *Generally:*

No steam communication with India would answer, except combined with carrying passengers, *Waghorn* 177——The accommodation of passengers upon the plan of the free traders gives general satisfaction, but in Government establishments the object is not so easily accomplished, *Head* 1164, 1165——Passengers as well as letters will go to India by the steamers; an arrangement profitable to the Company and convenient to all parties, *Melvill* 1248–1251.

2. *Rate of Charges to be made:*

Charge which should be made to passengers; the East India Company derive little or no profit from passengers, *Peacock* 712–719——That no returns could be procured from passengers, as stated by Mr. Peacock, is an entirely erroneous opinion; examination of the error, *Turton* 1004——Whether the rates charged by the Cape of Good Hope and the Mediterranean for passengers should be raised or lowered, *Mackenzie* 1681——The fares of the Red Sea route may be reduced, without deduction from the profits, *Lardner* 1574——Table of fares to be charged for the different stages, *Lardner* 1575–1580.

Report, 1837—*continued.*

PASSENGERS—continued.

3. *Probable Increase or Decrease in their Numbers:*

Estimate of the number of passengers between Bombay and the eastern side of India, and the presidencies of India, *Peacock* 739–748——The present number of passengers that pass between England and India is three thousand two hundred annually, *Lardner* 1568——The number will be greatly increased by the establishment of steam communication, *Lardner* 1569——Since steam vessels have been established with the Peninsula more than ten times the number of persons go abroad, *Lardner* 1571——Speedy, regular and convenient communication with India by steam will induce great numbers of Europeans to go there, *Peacock* 769–776, *Barber* 1075, *Johnstone* 1903–1905——A boat should come either to Falmouth or London; this would increase the number of passengers, avoid the quarantine at Malta, and give greater security to valuable property, *Barber* 1075——It would induce many persons to go out to India and to Egypt; children would be sent by the Red Sea from India, *Barber* 1075——Estimate of the outlay for passengers during a voyage to India, *Barber* 1074——Those from Calcutta and Madras would scarcely be benefited at all by the confined communication with Bombay, *Grindlay* 1926.

See also *Egypt. Plan for effecting Steam Communication with the three Presidencies of India. Steam Vessels*, 4.

Paumbam. The passage of Paumbam between the Island of Ramisseran and the coast of Coromandel is practicable to a certain extent, *Sim* 1183——Impediments to be removed before a channel of twelve or fourteen feet at high water could be obtained; current strong; the expense would be considerable, *Sim* 1184. 1191. 1206, 1207. 1220, 1221. 1229–1236——This channel was rendered impassable in the fourteenth century; the cause explained; it would take 20,000*l.* to deepen it, *Johnstone* 1891–1894——Copy of the survey and report on the Paumbam passage between Ceylon and the main land of India, made in 1829, by Major Sim of the Madras Engineers, *App. p.* 207–215.

Paussielgue, Mons. Comptroller of the French army during its occupation of Egypt in 1799; remarks by him, in his intercepted letters, that by seizing Egypt, France would annihilate the East India trade, &c., *Head* 1137.

Peacock, Thomas Love. (Analysis of his Evidence.)—Examiner of India Correspondence; was examined in 1832 and 1834, 494–496——Number and size of vessels required for effecting the communication with Bombay, 497–501. 539, 540——Advantages of changing the vessels in the Red Sea; reason why their tonnage and power should be the same, 502–507——Description of the Atalanta and the Berenice; their average consumption of coal and their average run; the coal was sent direct from Llangennech in large pieces, 508–510. 527–538——Stations chosen, 510–517——St. Helena recommended as a station for steamers going the Cape route, 512, 513——The run of the Berenice; her consumption of coal; why less than that of other vessels, 518–524. 537, 538——Two more steamers requisite between Point de Galle and Calcutta, 541–543.

Annual expense of each vessel, 544–552. 583–596——The only Indian coal available for navigation is the Burdwan; charge for its freight, 553–559——Evidence respecting the price and consumption of coals; Camaran will serve as a coal depôt; Mocha will not answer that purpose, 560. 572, 573——The larger the vessel the more work she will do, without consuming more coal than a smaller one; her wear and tear will be less, 574–582——Remarks upon ship-building, machinery and equipment, with reference to expenditure, 584–596——Evidence respecting copper and iron boilers, 597–611——Considerations of the fitness of Socotra as a depôt, 612–616——The best depôt between Suez and India is the Island of Perim; Socotra, even if good, could be dispensed with; it might be more advisable to use it as a depôt than to advance further to Perim or to Camaran, for though long runs save time, they overwork the vessel, 617–633——The question of time considered in reference to course, distance, winds and currents, 635–656.

There is greater facility for steaming in the Bay of Bengal than in the Arabian Sea, 659——Remarks upon the winds near the African coast, 661——Effects of the south-west monsoon on the navigation of the Bay of Bengal, 662, 663——Under favourable circumstances, a well-adapted steamer could make the passage from Calcutta to Point de Galle in six or seven days: her average run would be one hundred and fifty miles a day; a very powerful steamer would run two hundred miles in the Bay of Bengal against the north-east monsoon, 665–670——To save the time occupied in taking in coals, it would be better to have another vessel ready: Point de Galle the best station for taking in coals during the south-east monsoon, 671–675——Comparative estimate of the length of the passages from station to station, and of the time occupied in making them, 676–695——The subject of the transmission of letters considered, 696–710——Charge which should be made to passengers; the East India Company derive little or no profit from passengers; the charge from Calcutta to Suez should be higher than from Calcutta to England by a sailing vessel, because the expense of sending a steamer to Suez is far greater, 712–729.

Calculation of the time it would take the Atalanta or the Berenice to proceed from Socotra to Suez during the south-west or north-east monsoon; on returning, the north wind blows so much in the Red Sea that a steamer might almost sail down; part of the present

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Peacock, Thomas Love. (Analysis of his Evidence)—*continued.*

present plan is to send sailing vessels when steamers are unavailable, 730–738. 676–695——Estimate of the number of passengers between Bombay and the eastern side of India in the course of a year, and between the presidencies in India, 739–748——Post-office receipts; there will be a heavy charge for letters by steamers; present arrangements between the Government and the Company relative to the postage of letters; the high rate of postage from Bombay to Calcutta would diminish the number of letters by steam; reason why they would go much cheaper by dauk, 749–761——But little space for profitable freight in the Red Sea steamers, there would only be room for treasure, which is usually considered the perquisite of the captains; steamers that run a long distance can carry nothing but fuel and small articles, 762–764——Calculation respecting the space the Atalanta or Berenice might have for cargo; a cargo from India during the south-west monsoon is out of the question; as much coal as possible should be taken, 765, 766.

Political and commercial consequences likely to ensue from bringing England and India so much closer together, 767——Commercial men doubt the importance of rapid communication; they do not want the bills to anticipate the goods, 768——Speedy, regular and convenient communication with India by steam will induce great numbers of Europeans to go there, 769–776——The morals and domestic happiness of the natives endangered by increased contact with Europeans, 777–781——Considerations respecting the remedy for this evil; the law at present in force for their protection against settlers not efficient, though made under the authority of the British Parliament, 782–784——Defects of the law of the Company; the natives know nothing of the English law, and the language they use is totally unknown to the European population, 767–791. 795–796——The average passage from Falmouth to Suez is twenty-three days, 792–794——It would take sixteen days to go dauk from Calcutta to Bombay, and forty-nine to reach England by steam, making sixty-five days in all, but a month might be lost at Alexandria by not reaching it exactly when the packet is starting, 797, 798.

The Cape of Good Hope route recommended for letters and passengers to Calcutta; that of the Great Desert and Persian Gulf to Bombay; the length of that passage would be eleven thousand five hundred miles; the time, sixty days; vessels to be changed at every station; twelve would be required, 799–804——The Pacha of Egypt wishes to have steam communication established; he would allow English troops to pass, and do anything in his power to facilitate the proposed intercourse; he has materials for a railroad from Cairo to Suez, 805–809——The rapidity of steam intercourse may induce the natives of India to come over to England for scientific purposes; they have hitherto objected to the sea, 810–813——Expediency of letting the civil and military officers of India return by steam to England, for their furlough, instead of going to the Cape of Good Hope; it would be reasonable to leave them the option, 814–830——Defects of the Indian regulations relative to furlough, 831–835——Explanation of the present plan of steam communication from Suez to Bombay; it will be a considerable time before it can be realized; persons sending letters to India must not yet rely upon steam conveyance; more steamers will be built immediately, 836–840——Steam packets go from Alexandria to Marseilles every ten days; the distance from London to Marseilles direct one thousand miles less than by Gibraltar; a table of the relative distances of the different routes to India handed in and read, 841–844.

Peninsula. See *Passengers,* 3.

Perim, Island of. Is the best depôt between Suez and India, *Peacock* 617–633, *Turton* 991, *Head* 1093–1098——It is ill calculated for a residence, having neither inhabitants, provisions nor water, *Turton* 991, *Head* 1093–1098.

See also *Camaran,* Island of. *Depôts. Stations.*

Periodicals. Steam navigation to India will increase the sale of periodicals and literary works of that description, *Johnstone* 1903–1905——By the present post-office arrangement can only be sent to India as letters, and paid for by weight, *Head* 1100.

Persian Gulf. See *Piracy. Steam Vessels,* 2.

Pilgrims. Rich pilgrims would in a short time make use of the steam vessels in their journies between Cairo and Suez, *Wellstead,* 490–493.——*See* also *Plague.*

Piracy. Piracy on the Indian Sea might be easily put down, *Henderson* 947–950——The service against pirates should not be performed by vessels carrying the Bombay mails; piracy would be better opposed by steamers, *Melvill* 1309–1311——The system of piracy in the Persian Gulf described, *Brucks* 1859–1868——One steamer and one sailing vessel would suffice for the prevention of piracy in the Persian Gulf, *Lord W. Bentinck* 1945–1946.

Plague. The plague seldom leaves the immediate vicinity of Cairo and other cities of Egypt, although the caravan with pilgrims travels between Cairo and Mecca at all times, *Wellstead* 483, *Turton* 968——The plague need not affect the regularity of the intercourse between England and India, *Galloway* 886–888——Observations respecting the plague,

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Plague—continued.

Turton 968, *Briggs* 1440. 1446, *Mackenzie* 1676–1678——Much merit due to the Pacha for his endeavours to prevent its introduction from Constantinople and elsewhere, *Briggs* 1440–1446——*See* also *Akkaba*, Gulf of. *Hedjekz. Packing Goods.*

Plan for effecting a Steam Communication with the three Presidencies of India:

1. *Generally.*
2. *Advantages thereof.*
3. *Opinions of Persons resident in India thereon.*
4. *Number of Vessels required, &c.*
5. *Whether the plan would bear its own Expenses.*

1. *Generally:*

Any plan which does not embrace communication by steam with Madras and Calcutta, as well as with Bombay, will entirely fail to give public satisfaction, *Hobhouse, Ev.* 18 —— It is quite practicable to make a continuous communication to any port in India, *Head* 1088——The line of continuous communication should begin from England to Alexandria; combine all sources of profit, and be connected with commercial and post-office arrangements, *Head* 1100——Arguments against the tripartite scheme, *Melvill* 1252–1258——Communication with all the presidencies more practicable than with Bombay only, *Morgan* 1352——The steam communication should be established with all the presidencies, but if it is to be limited to one of them, Calcutta should be preferred, *Johnstone* 1892–1900. 1906——Communication between the different ports of India is desirable, the overland journey from Bombay being so inconvenient, *Elliott* 1518–1522 ——Opinion respecting an extended plan of steam navigation with India, comprehending the subjects of distance, number of steamers, their duties; expense and profits, *Lord W. Bentinck* 1935–1943.

2. *Advantages thereof:*

Steam communication with the different presidencies of India, in conjunction with the institutions already established for the education of natives, will form a strong power for humanizing India, *Turton* 1012——The comprehensive plan of communication by steam with India would be the cheapest, and the only one to secure permanency of intercourse, by preventing the receipts from being less than the expenditure, *Barber* 1046, 1047. 1075–1079, *Head* 1165——Copies of the plan of 24th May 1836, for a comprehensive steam communication with India, *Head* 1175——Difference between the plan first submitted to Government by the London Committee and that now given in, *Head* 1177, 1178——Both plans are equally practicable; the expense of the comprehensive plan is less in proportion to its receipts; miscarriage in the confined plan might lead to total failure, *Head*, 1179——Commercial intercourse will be greatly increased between this country and India by the greater facility of communication, *Lardner* 1584—— A strong argument in its favour is that a very small proportional difference of expenditure will accomplish a much more advantageous result, *Grindlay* 1917, 1918——The great advantage of this plan is that a considerable part of its expense would, even at the outset, be paid by passengers, *Lord W. Bentinck* 1950, 1951.

3. *Opinions of Persons resident in India thereon:*

Parties at all the presidencies in India are prepared to support the measure; there would be no difficulty in accomplishing this object, provided it met with the approbation of Government and the East India Company, *Head* 1124——In India the feeling in favour of the comprehensive plan is as strong as possible, and almost universal; no other plan will afford either adequate accommodation or any general degree of satisfaction, *Grindlay* 1911–1913——The desire for the extended plan is universal and intense among the European residents and natives of India; the Bishop of Calcutta is very anxious to see it established, *Lord W. Bentinck*, 1952, 1953.

4. *Number of Vessels required, &c.:*

Number of steamers necessary for the comprehensive plan; tonnage, power and cost, *Barber* 1048–1051. 1053. 1063. *Head* 1109——Estimate of the expense of the different communications, first between England and Bombay, and from England to include all India, *Head* 1172——Number of vessels required for the entire line between Falmouth and the three presidencies; the communication could not be efficiently kept up with a smaller establishment, *Morgan* 1381–1387.

5. *Whether the Plan would bear its own Expenses:*

Steam to India upon the comprehensive scale, and with one continuous route, would more than pay itself, *Barber* 1075–1079——It is highly probable that the profits derived from the extended communication would be adequate to its expense, *Melvill* 1280–1286 ——With the present post-office arrangements it will not make an ample return, the cost

of

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PLAN, &c.—5. *Whether, &c.*—continued.

of conveyance of pamphlets, periodicals, &c. being tantamount to a prohibition, as they can only be sent as letters, and paid by weight, *Head* 1100——On any but the combined plan, there would be danger of insufficient returns, *Head* 1165.

See also *Steam Navigation to India.*

Pluto Steam Vessel. Was fitted with Collyer's boilers by order of the Lords of the Admiralty, *Morgan* 1413–1416.

Point de Galle. There is a strong current round the Point de Galle, which might make it difficult at times for steamers to round the point, *Nairne* 245–248——The best station for taking in coals during the south-west monsoon, *Peacock* 502–507. 671. 675, *Barber* 1061, 1062——The harbour of Point de Galle might be used as a port for steamers, *Dunn* 275, 276, *Brucks* 1845–1849, *Johnstone* 1889——It might be made efficient head-quarters for steamers at a considerable outlay; it would be superior to Trincomalee in every respect, *Brucks* 1845–1849.

See also *Calcutta and Point de Galle. Hoogly to Point de Galle. Madras and Point de Galle.*

Point de Galle to Socotra. The difficulties which would occur in making the passage from Point de Galle to Socotra enumerated; means of overcoming them, *Dunn* 283–304——Information respecting the different rate per mile at which a vessel would accomplish this passage under modifying influence of wind and current, *Dunn* 313–340——The passage to Socotra from Point de Galle might be easily accomplished during the south-west monsoon, by going through the eight-degree channel, *Wellstead* 418–420——A steamer could make a direct passage from Point de Galle through the Golandos Channel to Socotra, *Henderson* 926-930——If the machinery were damaged, the steamer could go under sail to Socotra, *Barber* 1033——It is easier to go from Galle to Socotra than from Bombay to Socotra, *Morgan* 1354, 1355.

See also *Dundra Head. Sails.*

Point Palmyras. Description of a voyage to Point Palmyras during a strong south-west wind, *Brucks* 1844.

See also *Hoogly to Madras. Hoogly to Point de Galle.*

Point Palmyras to Bengal. A steamer like the Berenice could go without difficulty from Point Palmyras in the south-west monsoon; could also go along the shore to Madras and on to Bengal; it is a weather shore, and there is little sea, *Wall* 845–852.

Point Palmyras to Madras. No difficulty in going down the coast from Point Palmyras to Madras, *Nairne* 211.

Population. The natives of Egypt have been very much drained of late years, in recruiting the army and navy of the Pacha, *Briggs* 1441.

Port Dues in Egypt. There are no port dues either at Alexandria or Suez, *Waghorn* 60, 61.

See also *Pacha of Egypt.*

Postage. The subject of the transmission of letters to India by the Red Sea considered, *Peacock* 696–710——There will be a heavy charge for letters to India by steamers; present arrangement between the Government and the East India Company relative to the postage of letters, *Peacock* 749–761——Rate of postage on letters and newspapers going by steam, adopted by the Court of Directors in February 1835, *Elliott* 1501——The Indian community very anxious to have publications, parcels, law papers, &c. transmitted by mail, not in the letter bags, but by the same conveyance; the transmission would contribute at least 15,000 *l.* a year, *Head* 1099–1108——The monthly conveyance of letters from India may even now be expected, but more steamers are requisite to insure it; in the meanwhile sailing vessels will to a great extent supply the deficiency, *Melvill* 1241–1245.

The conveyance of public despatches would be accelerated by sending them through France to Marseilles, instead of direct from England by the Malta packets, *Melvill* 1246, 1247——In all post-offices, improved communication is the first step towards increasing postage, *Elliott* 1504. 1515–1517——The posts throughout the Bengal presidency were accelerated when witness was there, *Elliott* 1505——Comparative statement of the average time occupied in the transit of mails from Calcutta to certain places, for the month of March 1828 and 1835, *Elliott, p.* 130, 131——Account of the postage of letters passing through Falmouth by the Mediterranean packets, *App. p.* 196.

Presidencies. See *Plan for effecting a Steam Communication with the three Presidencies of India.*

Price of Coals. See *Coals*, 4.

Public Opinion in India. There is no public opinion in India to serve as a check to abuse of office; by bringing India nearer to the mother country this want would, in a great measure, be supplied, and justice placed within the reach of everybody, *Turton* 1012.

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Q.

Quarantine. The French arrangement, as regards the performance of quarantine, is better than our own; they reckon their quarantine from the time they leave the port; we do not reckon it till we arrive, *Waghorn* 134–136——It is essential to the success of the steam enterprise, considering it as a passenger line, that quarantine should be performed at Falmouth rather than at Malta; present rules of quarantine, *Lardner* 1631, 1632.

R.

Railroads. In all cases where railroads have been established, the intercourse has increased in an immense proportion, even where the price of the road was less than it now is by the railroad, *Lardner* 1569.

See also *Alexandria to Suez. Cairo to Suez. Mokattan Hills. Pacha of Egypt.*

Ramisseran and Manar. See *Adam's Bridge.*

Red Sea:

1. *Generally.*
2. *Steam Navigation to India.*

1. *Generally:*

Northerly winds generally prevail in the Red Sea, and are sometimes violent, *Waghorn* 11–13, *Wellstead* 464——Gales trifling, and last but two or three days, *Waghorn* 17——There are shoals on both the coasts, *Waghorn* 24, 25——No difficulty whatever arises in navigating the Red Sea, from currents or winds, *Waghorn* 78–80, *Wellstead* 465. 474–476——As regards the winds, both shores of the Red Sea are equally accessible, *Wellstead* 474-476——Best mode of arriving at practical facts respecting the Red Sea, *Waghorn* 157——The Atalanta and Berenice steamers well calculated for ascertaining the practicability of navigating the Red Sea, *Waghorn* 187-189——The currents in the Red Sea are unimportant, *Welstead* 465——Several ports on the western shore of Red Sea; this shore should be avoided; the navigation is more intricate and dangerous, *Wellstead* 474-476——The swell in the Red Sea is sudden, but transient, *Waghorn* 19——Advantages of changing the vessels in the Red Sea; their tonnage and power should be the same, for the convenience of transferring merchandize and passengers from one to the other, *Peacock* 502–507——The Pacha of Egypt has no steamer in the Red Sea, but contemplates having two for bringing his own produce, *Galloway* 880——The people along the shores of the Red Sea are very anxious to possess themselves of various manufactures, *Head* 1133.

2. *Steam Navigation to India:*

Statement respecting the best mode of effecting a system of steam communication with India by the Red Sea, *Waghorn* 1, *Ev. p.* 1–4——The voyage by the Red Sea decidedly preferable to that round the Cape for passengers; personal experience of that fact, *Turton* 1002, 1003——Communications have been received by witness from several commercial towns of England, Scotland and Ireland, desiring steam communication with India by the Red Sea, *Head* 1124——Enumeration of articles best calculated to make the Red Sea route pay, *Waghorn* 129–132——Whether the Red Sea route would be preferred, if more expensive than the Cape route, *Elliott* 1507–1509——The expense of the Red Sea route would not exceed that of the Cape, either in reference to passengers or commanders, *Grindley* 1914, 1915——The attractions, natural and historical, of the Mediterranean and Red Sea route would induce the majority to prefer it, *Grindley* 1914.

See also *Coals*, 4. *Commerce. Mocho and Suez. Pacha of Egypt. Passengers*, 2. *Steam Vessels*, 2, 3. *Suez. Trincomalee.*

Red Sea and Bombay. Five steamers at least ought to be employed between the Red Sea and Bombay, *Turton* 1005, 1006.

Reviews. See *Periodicals.*

Rosetta to Cairo. See *Steam Vessels*, 1.

Routes to India. See *Bengal. Bombay. Calcutta. Camaran. Ceylon. Helena, St. Hoogly to Madras. Lodhiana. Madras. Marseilles. Mocha. Paumbam. Plan for effecting a Steam Communication with the three Presidencies. Point de Galle. Red Sea. Socotra. Suez. Tootoocooreen. Trincomalee.*

S.

Sails. A steamer would probably receive assistance from some of her sails during the whole passage between Point de Galle and Socotra, *Dunn* 354——The north wind blows so much in the Red Sea, that a steamer might almost sail down, *Peacock* 730–738.

Sea

Report, 1837—*continued.*

Sea Water. Injurious effects of saline deposit, especially in the Red Sea, the waters of which are strongly impregnated with it, *Morgan* 1427–1430——The water of the Red Sea not likely to produce more deposit than that of any other sea, *Lardner* 1588–1590.

Shipbuilding. Remarks upon shipbuilding, machinery and equipment, with reference to expenditure, *Peacock* 584–596.

Sim, Lieutenant-colonel. (Analysis of his Evidence.)—Of the Madras engineers; surveyed the Straits of Manay in 1829; the passage of Pambam, lying between the island of Ramisseram and the coast of Coromandel, is practicable to a certain extent, 1183——Enumeration of the impediments to be removed before a channel of twelve or fourteen feet at high water could be obtained; current strong; the expense would be considerable, 1184–1191. 1206, 1207. 1220, 1221. 1229——A passage at Adam's Bridge, between the islands of Ramisseram and Manar, would be highly beneficial, and might be made, but the expenditure would be enormous, 1192–1205——One plan is to cut a new channel of twelve or fourteen feet deep through a tongue of land to the west; this would be the best, and might be accomplished for a moderate sum, 1207–1213——The channel between the island of Manar and Ceylon is out of the question, being never more than three or four feet deep, 1219——Tootoocooreen or Cochin recommended as the starting point for Indian passengers; they could go through the Pambam passage, when improved, to and from Calcutta in steamers drawing ten or twelve feet, 1222–1226——The inhabitants of Madras and the civil and military officers of India are very anxious for this communication with Bombay, the land route being inconvenient and expensive, and almost impassable by ladies, 1237–1238.

Socotra:

1. *Generally.*
2. *Its capability as a Depôt for Fuel for Steam Vessels.*

1. *Generally:*

Is not unhealthy, *Waghorn* 105, 106——The climate insalubrious in the lower parts of the island, but quite healthy in the mountains, which are seven miles from the beach, *Wellstead* 375–383——Evidence respecting the harbours, *Wellstead* 364–374. 436——A powerful steamer could easily make the port of Socotra, *Henderson* 942–944, *Barber* 1036, 1037——Hulks should be placed at Socotra furnished with fuel, workshops and duplicates of machinery, *Lardner* 1568——Should be the point of junction for the two vessels from Calcutta and Bombay, *Lord W. Bentinck* 1948.

2. *Its capability as a Depôt for Fuel for Steam Vessels:*

Should be a depôt for fuel for steamers, *Waghorn* 1 *Ev.* 2, *Barber* 1061, 1062, *Head* 1091–1098, *Brucks* 1827——Consideration of the fitness of Socotra as a depôt for steam vessels, *Peacock* 612–616——Could be dispensed with as a depôt; it might be more advisable to use it as a depôt than to advance further to Perim or to Camaran, for though long runs save time, they overwork the vessel, *Peacock* 617–633——The establishment of a depôt at Socotra would bring a great deal of trade into it from the eastern coast of Africa, *Head* 1136——Would make a good depôt as far as anchorage goes, *Brucks* 1827.

See also *Bombay to Socotra. Mocha to Socotra. Mocha and Calcutta. Point de Galle to Socotra.*

Socotra to Calcutta. Estimate of expense for communication between Socotra and Calcutta, *Head* 1172, *Ev. p.* 100.

Socotra to Suez. Calculation of the time it would take the Atalanta or Berenice to proceed from Socotra to Suez during the south-west or north-east monsoon, *Peacock* 676–695. 730–738——On returning the north wind blows so much in the Red Sea, that a steamer might almost sail down; part of the present plan is to send sailing vessels when steamers are unavailable, *Peacock* 730–738.

Soheia. Very objectionable as a depôt, in consequence of the shallowness of the water, *Wellstead* 469.

Split Paddle Wheels. See *Paddle Wheels,* 1.

Stations for Coals. Stations chosen by the East India Company as coal depôts during the voyage to Bombay, *Peacock* 510–517——Comparative estimate of the length of the passages from station to station, and of the time occupied in making them, *Peacock* 676–695——The shortest possible stations recommended, not only for the relief of the vessel and the men, but because long stages occasion a deposit of salt in the boilers, &c., *Morgan* 1393–1395——The expense of various stations would be more than counterbalanced by the diminished wear and tear of the vessels, *Morgan* 1396.

See also *Arabia. Camaran,* Island of. *Heavandoo* or *Heawandee* Island. *Helena, St. Hodeida. Jidda. Macullah. Madras. Mocha. Perim,* Island of. *Point de Galle. Socotra. Soheia. Tamarinda Bay. Tootoocooreen. Trincomalee. Yambo.* Also each Station under its respective Head.

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Steam Company. Report of the London Steam Company committee for promoting steam navigation to India, *App. p.* 193.

Steam Navigtion to India:

1. *Generally.*
2. *Political and Commercial Advantages.*

1. *Generally:*

Evidence relative to the steam communication; embracing the subjects of place, length of voyages, and seasons of the year, *Waghorn* 158–168——Statement of the plan proposed by witness for carrying steam communication into effect; estimate of the total expenses and probable returns; arrangement on board steamers affecting the comfort of passengers, *Turton* 972–975——Objections stated to the steam conveyance stopping short at Bombay, *Turton* 976–983——The subject considered in reference to war, furlough, the East India Company's army, the civil magistracy and the national prosperity and happiness of both countries, *Turton* 1012——The voyage should be divided into short stages; stages indicated, *Lardner* 1526——Effect of this intercourse on the members of the Company's service, or settlers, missionaries, editors of newspapers, merchants, travellers and natives, *Elphinstone* 1930–1934.

2. *Political and Commercial Advantages:*

Political and commercial consequences likely to ensue from bringing England and India so much closer together, *Peacock* 767, *Head* 1170, *Melvill* 1326–1331——Sketch of the moral and political advantages the natives of India will derive from a regular and frequent communication with England, *Turton* 1012, *Johnstone* 1895, *Elphinstone* 1928, 1929, Lord *W. Bentinck* 1954——Great moral advantages expected from its connexion with the internal navigation of India by the Ganges and the Jumna, *Head* 1166——A monthly communication can be accomplished during all times of the year, *Head* 1090.

See also *Commerce. Coals*, 2. 5. *Condensers. Cosseir and Mocha. Depôts. Despatches. Medical Students. Merchants. Natives of India. Officers in India. Pacha of Egypt. Plan for effecting a Steam Communication with the three Presidencies of India. Red Sea.*

Steam Vessels:

1. *Generally.*
2. *Number to be employed.*
3. *Size thereof.*
4. *Accommodation for Passengers.*
5. *Stowage room for general Cargo.*
6. *Annual Expense of Steam Vessels.*

1. *Generally:*

A steamer could proceed wherever a sailing vessel can make its way; our vessels have gone across the Arabian Sea from Bombay to Muscat at all seasons of the year; the average passage is twenty-one days, *Wellstead* 400–409——Could navigate from Alexandria round by Rosetta to Cairo, *Head* 1149——An effective steamer is a non-effective sailer; the Medea not an exception, *Morgan* 1379, 1380——Proportion between the power and tonnage of steamers; their speed would be affected by different proportions, *Lardner* 1540–1546——The proportion of tonnage to power must be determined by the voyage to be performed without a relay of coals, *Lardner* 1534——The proportion of power depends entirely upon the purposes for which a vessel is employed, *Oliver* 1764, 1765——An excess of power a great advantage; steamers of one thousand tons offer no advantages, *Kingston* 1751–1754——A steamer of six hundred tons should have from two hundred and fifty to two hundred and seventy horse power; if her form were good, she could use her power without straining herself under the water in making headway, *Kingston* 1746–1748——The subjects of tonnage, power, boilers, form, machinery, building and cost discussed, with reference to steamers for communication with India, *Morgan* 1336–1351——Cargo and passengers to be taken in each packet, *Barber* 1080–1086.

2. *Number to be employed:*

It is desirable to have a spare steamer, because some repairs could not be done in time; in the event of accident to the boiler, the vessel might be detained a month, *Turton* 1009——Four steamers, with a spare one, would be sufficient to communicate with Calcutta, Madras and Ceylon from Socotra; they should be duplicates, both in size and machinery, *Morgan* 1388–1390——Number of steamers required; their size and locomotive duty; paper put in and read, showing the comparative tonnage, power, form, speed, &c., of eleven steamers, *Lardner* 1532——The India Government are anxious to increase the number of steamers in Bengal; at present they have but three for general use, *Melvill* 1312–1315——Number required for the Red Sea and Persian Gulf; their duties defined; *Brucks* 1869–1873——A constant change of vessels in hot climates advisable both for the vessels and the engineers, *Lardner* 1616, *Lord W. Bentinck* 1949——They should be changed as often as practicable; distance each should go, *Lord W. Bentinck* 1949.

3. *Size*

Report, 1837—*continued.*

STEAM VESSELS—continued.

3. *Size thereof:*

Size of vessels best calculated for the steam service to India, *Waghorn* 172–176, *Peacock* 574–582, *Henderson* 952–956, *Head* 1115–1119, *Morgan* 1340, *Lardner* 1526. 1532. 1564, 1565, *Kingston* 1742–1745, *Oliver* 1766–1771. 1798–1799, *Lord W. Bentinck* 1947——The larger the vessels the better; a large vessel overcomes the resistance of the waves, is better enabled to exert the power within her, and better preserves her way through obstructions, *Peacock* 574–582, *Morgan* 1340——The larger the boat the less the wear and tear, *Peacock* 574–582——The smaller the boat the less the wear and tear, *Barber* 1053, *Kingston* 1742–1745——Economy requires that larger vessels than 600 tons should not be used at first; if larger ones were subsequently requisite, the smaller could be easily disposed of, *Head* 1115–1119——Description of those to be employed in steam communication with India by the Red Sea, *Lardner* 1526——Result of inquiries is in favour of vessels of large tonnage, with a certain proportion of power, *Lardner* 1532. 1564–1565——Vessels for the steam service should not exceed six hundred tons, *Kingston* 1741——They would weather a gale better than larger steamers, and suffer less from wear and tear, *Kingston* 1742–1745.

4. *Accommodation for Passengers:*

Those of six hundred tons would accommodate sixty passengers comfortably, *Kingston* 1755–1758——Of six hundred and fifty tons, would take seventy passengers; a larger vessel would have but little comparative space, if her power were made equal to her size, *Morgan* 1398–1407.

5. *Stowage Room for general Cargo:*

A large steamer could take one hundred or one hundred and fifty tons of general cargo, besides passengers, and thus realize ample returns, *Melvill* 1288–1290——There would not be much room for general cargo in a vessel of six hundred tons, *Kingston* 1755–1758——In a vessel of six hundred and fifty tons, without diminution of speed, *Morgan* 1398–1407——Those running long distances can carry nothing but fuel and small articles, *Peacock* 762–764——Estimate of the tons which a vessel of one thousand tons, with the proportion of power of one to four, could spare for cargo, *Lardner* 1557.

6. *Annual Expense of Steam Vessels:*

Annual expense of each vessel going to India, *Peacock* 544–552. 583–596——A steamer may be kept in work for one hundred and fourteen days every year, *Barber* 1054——Paper delivered in showing the distance each steamer will have to perform, and the coal and time she will consume, *Lardner* 1526. 1530–1532.——Calculation of the relative distance and rates per mile the same quantity of coal would carry a steamer under the varying circumstances of wind and weather, *Lardner* 1537–1539——Estimate of the comparative annual expense of two steam ships, the one being of one thousand tons and two hundred and fifty horse power, the other six hundred and sixty tons and two hundred and thirty horse power, *Lardner* 1562——Cost of a steam vessel of one thousand tons and two hundred and fifty horse power, and its annual expense, including salaries of officers and men, repairs of the machinery, &c., *Lardner* 1616, *p.* 149–151.

See also *Atalanta Steam Vessel. Berenice Steam Vessel. Coals*, 2. *Condensers. Curtailment of Space. Firefly Steamer. French Steam Vessels. Ganges. Hugh Lindsay Steam Vessel. Marseilles and Alexandria. Monsoons. Nile River. North-east Monsoon. Plan for effecting Steam Communication with the three Presidencies of India. Piracy. Red Sea and Bombay. Sails. South-west Monsoon. Stations. Trincomalee.*

Stokers. See *Fuel.*

Stone. See *Mokattam Hills.*

Stowage for Cargo. See *Steam Vessels*, 5.

Straits of Juba. See *Suez and Straits of Juba.*

Suez. The port of Suez preferable to that of Cosseir for the convenience of passengers and for expedition, *Wellstead* 482——The sea of Suez for two or three months of the year is more difficult for steamers than the southern part of the Red Sea, *Head* 1138–1141——There has been a boring made in the Desert of Suez, and water has been found, *Head* 1142–1144——There is a very good anchorage for ships of eight hundred or one thousand tons at Suez, *Briggs* 1467–1469.

See also *Alexandria to Suez. Bombay and Suez. Cairo and Suez. Calcutta and Suez. Coals*, 2. 4. *Engineers. Falmouth and Suez. Mocha and Suez. Port Dues. Socotra and Suez.*

Suez and Cosseir. There are no greater difficulties in the passage between Suez and Cosseir than between Cosseir and Mocha, *Waghorn* 41, 42——The current changes with the wind, *Waghorn* 43.

Report, 1837—*continued.*

Suez to India. Estimate of the expense of steam from Suez to India, *Turton* 1010, 1011.

Suez and Straits of Juba. Average width of passage between the straits of Juba and Suez, *Waghorn* 76, 77.

Synd, Imaun of. See *Imaun of Synd.*

Syria. See *Coals,* 5.

T.

Tamarinda Bay. Objections to this bay as a depôt for steam vessels; during the north-east monsoon the heaviness of the swell renders landing almost impracticable; the holding ground is very indifferent, *Wellstead* 435.

Tonnage of Steam Vessels. See *Steam Vessels,* 1.

Tootoocooreen. Is a safe roadstead; recommended as the starting and arriving point for the Indian passengers, *Sim* 1222–1224.

Trade Winds. Vessels which are now detained by trade winds in narrow rivers in the Indian seas would, by means of steam, be carried through them in a few days, *Head* 1121, 1122.

Transit Duty in Egypt. A transit duty will probably be put upon valuable cargoes passing through Egypt, but this would make the Pacha answerable for good roads and the safe passage of our merchandize through his territories, *Waghorn,* 62–70.

Transmission of Letters. See *Dauk. Overland Mails. Plan for effecting a Steam Communication with the three Presidencies of India. Postage. Trincomalee.*

Travellers. Those passing through Egypt are now treated with civility and kindness by order of the Pacha, *Head* 1146, *Briggs* 1435–1451, *Mackenzie* 1671.

Traverses. See *Monsoons.*

Treasury. Letter of Mr. Baring to Mr. Gordon, communicating the approval of the Lords of the Treasury of the plan submitted by the Board of Control, and requiring further details and estimates, *Ev. p.* 17.

Trincomalee. Steamers passing between India and the Red Sea should start from Trincomalee; greater facilities can be afforded there than at Galle at one half the expense, *Waghorn* 1, *Ev. p.* 3——On the arrival of the steamer at Trincomalee from Mocha a vessel of war might sail on with the China mail to Singapore, whence they would be conveyed to Canton by any merchant vessel, *Waghorn* 1, *Ev. p.* 3——Suggested as a station for steam vessels, where they could undergo repairs, *Waghorn* 46–50, *Dunn* 277–282——The harbour of Trincomalee is the only one between Madras and Point de Galle, *Dunn* 268–270——The harbour of Trincomalee would afford ample accommodation for steamers requiring repair, if artificers resided there, *Dunn* 277–282——Should be one of the depôts for Coals, *Barber* 1061, 1062.
See also *Coals,* 3. *Mocha and Calcutta. Point de Galle.*

Turton, Thomas Edward Mitchell. (Analysis of his Evidence.)—Was a barrister in the supreme court at Calcutta for fifteen years; was also member of the New Bengal Steam Committee at Bengal, 957–960——Has lately arrived with his family from Calcutta; his route Bombay, Cosseir, across the Desert to Ghenah, down the Nile to Cairo, and thence to Alexandria, 961, 962——Description of his course; length of the voyage, 963, 964——Encountered neither difficulty nor danger through Egypt; description of the Desert, and of the facilities of crossing it, 966, 967——Groundless apprehensions respecting the plague, 968——Statement of the wishes of the Calcutta community upon the subject of steam communication with India, 969, 970——The Medea described; considered by witness a perfect vessel, 971——Statement of the plan proposed by witness for carrying steam communication into effect; estimate of the total expenses and probable returns; arrangements on board steamers, affecting the comfort of passengers, 972–975——Objections stated to the steam conveyance stopping short at Bombay, 976–983——Witness's opinion of Mr. Peacock's evidence, 984-987.

The Atalanta and Berenice not too large for riding in the port at Mocha; Mocha is not a good port for a depôt, 989, 990——Perim cannot be excelled as a port, but is ill calculated for a residence; Camaran is nearly as good as Perim, and more convenient for the passage to Socotra, as it divides the distance better, 991——In 1836 three overland mails reached Bombay in fifty-eight, forty-five and sixty-four days, 992——Sentiments of the government of Bombay respecting steam communication, 993–997——It is the only means of drawing the natives over to England; they would gladly avail themselves of an English education, 998–1001——The passage by the Red Sea decidedly preferable to that round the Cape for passengers; witness's personal experience of that fact, 1002, 1003——That no returns could be procured from passengers, as stated by Mr. Peacock,

Report, 1837—*continued.*

Turton, Thomas Edward Mitchell. (Analysis of his Evidence)—*continued.*

is an entirely erroneous opinion; examination of the error, 1004——Five steamers at least ought to be employed between the Red Sea and Bombay, 1005, 1006——It would be better to have two distinct lines from Calcutta to Suez, making them meet upon the Desert; by the proposed arrangement there would be no detention either way, 1007——The monsoons make but three or four days' difference between Suez and any port in India, 1008——It is desirable to have a spare steamer, 1009——Estimate of the expense from Suez to India, 1010–1011.

A speedy and regular communication with India will be productive of the greatest moral and political advantages, 1012——There is no public opinion in India, to serve as a check to abuse of office; by bringing India nearer to the mother country, this want would, in a great measure, be supplied, 1012+——Mr. Peacock's mistaken view of this subject; the more intercourse the Indians have with Europeans, the juster will their notions become on the policy as well as propriety of good faith and honesty, 1012——Medical students from the college in Calcutta would come over to England to study, 1012——The best education India can afford does not qualify an individual for general usefulness to his countrymen to the same extent as an English education, 1012——By extending the intercourse to all the presidencies emulation will be excited, 1012–1013——Prices of the best Birdwan coals; if additional facilities were given for bringing them to the coast, considerable demand and lower prices would be the result, 1014, 1015——There would be ample freight on the less bulky articles in large steamers; enumeration of these articles, and of the places which would be benefited by the traffic, 1016, 1017——The situation of invalids at Calcutta, who want to go to sea in a south-west monsoon, would be much ameliorated by the establishment of regular steamers, 1018——Few passengers would pass by land between Bombay and Calcutta if there were a communication by steam; ladies or their families could not possibly do so; the road is available by night only, 1019, 1020.

[Second Examination.]—Corrects a statement of Mr. Peacock's concerning the charge for freight, and the detention of steamers taking in coals; vessels carrying pilgrims to the Red Sea are glad of freight, even at a low rate, 1173.

W.

Waghorn, J. (Analysis of his Evidence.)—A statement respecting the best mode of effecting a system of steam communication with India by the Red Sea, 1——Distance between Suez and Mocha, and Cosseir and Mocha, 6, 7——No difficulty in steam navigation between Mocha and Suez, 8, 9——Northerly winds generally prevail in the Red Sea, and are sometimes violent, 11–13——Are less violent at night, 14–16——Gales trifling, and last but two or three days, 17——South-west monsoon strong, and blows for a week together, 18——Swell sudden but transient, 19——Relative length of passage from Suez to Mocha, and from Mocha to Suez, 20–22——Steam vessels would often sail from Suez to Mocha, 23——There are shoals on both shores, 24, 25——Width and safety of channel, including straits of Juba, 26, 33.

The Hugh Lindsay steamer described; her inferiority to vessels of later date, 34–40 No greater difficulties between Suez and Cosseir than between Cosseir and Mocha, 41, 42——Tide irregular; current changes with the wind, 43——Voyage from Mocha to Suez can be made every fifteen days by the three steamers in question, 44, 45——Trincomalee suggested as a station for steam vessels, 46–50——Objections to an establishment at the Island of Camaran; Mocha recommended as a place for repairing the machinery. 51, 52——English engineers obtainable at an hour's notice, from Cairo, to repair vessels at Suez, 53——The pacha is disposed to facilitate our intercourse with India, 54——His interest to do so, 55–58——No reason to apprehend the exaction of a tribute, 59——No port dues either at Alexandria or Suez, 60, 61——A transit-duty will probably be put upon valuable cargoes passing through Egypt, which would insure good roads and the safe passage of our merchandize through Egypt, 62–70——The English flag exempts vessels from paying duty; nothing English is taxed, 71–75.

Average width of passage between the Straits of Juba and Suez, 76, 77——No difficulty whatever in the Red Sea arising from currents, 78–80——Nor from winds; the Hugh Lindsay passed nine times up and down the Red Sea without impediment from either, 81. 133——Further objections to the Island of Camaran as an establishment for steam vessels, 82–101——There is abundance of water at Mocha for the use of the steam vessels, but not very good, 102, 103——Voyage from Mocha to Socotra takes three or four days, 104——Socotra not unhealthy, 105, 106——The merchants in Egypt expect to derive advantages from our steam-intercourse with India, 107–108——Nature and extent of traffic anticipated, 109–113——Turkish opium will go in the steamers to India, 114——Marseilles can receive valuable articles from Bombay in thirty days, by Mocha, through Egypt, 115——A house in Paris is already in treaty with their Bombay agents for Cashmere shawls by the route of Mocha, 116, 117.

Report, 1837—*continued.*

Waghorn, J. (Analysis of his Evidence)—*continued*

Enumeration of packages which will go from France by steamers, 118——The French will make their own charges through France; their steamers carry the goods from Marseilles to Egypt, and realize an immense income; expediency of establishing steamers of our own between Marseilles and Alexandria, 119——France imports indigo exclusively from Calcutta, 120, 121——Considerations of the comparative rate of freight and insurance of steamers going by the way of the Cape and the Red Sea, 122–128——Enumeration of articles best calculated to make the Red Sea route pay well, 129–132——The Hugh Lindsay made nine voyages, but never carried any cargo, 132, 133——The subject of quarantine discussed, 134–136——And of establishments for steam communication, 137–156——Best mode of arriving at practical facts respecting the Red Sea, 157.

Evidence relative to the steam communication, embracing the subjects of place, length of voyages and seasons of the year, 158–168——Tonnage and horse power of the Fire-fly steamer, 169–171——Size of vessels best calculated for the steam service, 172–176——No steam communication with India would answer, except combined with carrying passengers, 177——Steamers can make the voyage with great ease, 178–181——It will be sometimes necessary to make use of sailing vessels, 182–186——The Atalanta and Berenice steamers well calculated for ascertaining the practical facts already alluded to; there is no difficulty in navigating the Red Sea, 187–189——Interruptions have occurred between Mocha and Bombay; none between Mocha and Calcutta, 190——Wheel-carriages are constantly used for passing over the deserts between Cairo and Suez, 194.

Waghorn, Mr. Government, in conjunction with the Court of Directors, acknowledge his merits and have appointed him superintendent of India mails in Egypt, *Hobhouse, Ev. p.* 22.

Wall, Mr. *A. P.* (Analysis of his Evidence.)—Commanded a steamer in the Bay of Bengal for seven or eight years; a steamer like the Berenice could go without difficulty from Point Palmyras in the south-west monsoon; could also go along the shore to Madras and on to Bengal; it is a weather shore, and there is little sea, 845–852.

War in Egypt. Nothing is likely to interrupt our intercourse with India by way of Egypt but civil war; circumstances that may give rise to it, *Briggs* 1453–1456.

Water. See *Alexander to Suez. Perim,* Island of. *Sea Water. Suez.*

Wear and Tear of Steam Vessels. See *Steam Vessels,* 3.

Wells. There are several wells in the desert of Cosseir; they should be deepened and protected, *Head* 1142–1144.

Wellstead, Lieutenant. (Analysis of his Evidence.)—A lieutenant in the Bombay navy; was employed in 1834 to survey the island of Socotra, in conjunction with Lieutenant Haynes, 359–363——Evidence respecting its harbours, 364–374. 436——The climate insalubrious in the lower parts of the island, but quite healthy in the mountains, 375–383——Witness has been from Bombay to Socotra three times; length of voyage; weather during the south-west monsoon, 384–400——A steamer could proceed wherever a sailing vessel can make its way; our vessels have gone across the Arabian sea from Bombay to Muscat at all seasons of the year; the average passage is twenty-one days; too much importance is attached to the south-west monsoon; a large steamer would find no difficulty in going from Bombay to Socotra against it; course to be pursued and periods to be observed, 400–409.

The passage to Socotra from Point de Galle might be easily accomplished during the south-west monsoon by going through the eight-degree channel, 418–420——Macullah would be an admissible depôt during the north-east monsoon, but could not be approached during the south-west, 423, 424——Aden having two harbours, would be accessible in both monsoons, 425–427——Extent of the south-west monsoon; during its prevalence coals cannot be obtained from the Arabian coast; there would be no need of a depôt on the Arabian coast if there were one at Socotra, 428–431——Observations relative to the swell there, 432–434——Objections to Tamarinda Bay, 435——Advantages of Bunder Delechee and Goobet Gollonsier, 436——Witness was employed from 1830 to 1832 in the survey of the Red Sea——A steamer like the Berenice could go through the Straits of Babelmandel, and thence to Suez with ease, 437–444——Mocha unavailable as a station, 445.

Description of the Island of Camaran; reason for strongly recommending it as a station, 446–463. 473——Prevailing winds in the Red Sea, 464——The currents in the Red Sea are unimportant, 465——How far the following places on the coast are eligible as depôts; viz. Hodeida, Soheia, Camfida, Jidda, Yambo and Camaran, 468–473. 446——Reasons why ports on the western shore of the Red Sea should be avoided, 474–476.

Should the plague or war interrupt the passage through Egypt, the old Roman road between the Gulf of Akkaba and Garsa might be used; that gulf navigable by steam only; it has no good anchorages; its width, 477–479——The plague seldom leaves the immediate

Report, 1837—*continued.*

Wellstead, Lieutenant. (Analysis of his Evidence)—*continued.*

diate vicinity of Cairo and other cities of Egypt; although the caravan with pilgrims travels between Cairo and Mecca at all times, the Hedjehz, or places in which Mecca and Medina are situated, have not been infected by it more than once, 483–486——The port of Suez preferable to that of Cosseir for the convenience of passengers, and for expedition, 482——Passengers could go from Suez to Cairo without difficulty, 487–489——Steamers, if regular and of sufficient capacity, would eventually receive freight for India to a considerable amount; at present the natives would be jealous of interference; the rich pilgrims would in a short time make use of them, 490–493.

Welsh Coals. See *Coals,* 2.

Winds. Remarks upon the winds near the African coast, *Peacock* 661.
See also *Trade Winds.*

Y.

Yambo. This place would make a very good depôt, *Wellstead* 472.

PROPOSED RAILWAY

from

CAIRO to *SUEZ*,

Surveyed by Galloway Bey.

1834.

Nile River

El Kanka

Lake of Pilgrims or Birket el Elhadji

Darb El Garrah

Lower Road

Ancient Heliopolis

The Road from the Desert to Cairo and Gizeh

Matarea

El Wad

To Alexandria

D

D PROPOSED RAILWAY Surveyed by Galloway Bey 1834 D

A

El Cobbe or Lucouba

Boulac

C

CAIRO

or

Masr el Kahera

Centre and principal Road

Darb el Hadji

Aggaroot Fort

Well 240ft

Ancient Canal

GIZZA

Upper and least frequented Road not Surveyed

Mokottam Hills

Fostat

D E S E R T OF S U E Z

Nile River

Well of Water

Brackish

D

SUEZ

Ancient Arsinoe

MOUNT ADAGA

Ras Musa

Pt Adaga

G U L F O F S U E Z

Alexander Gallowray and Sons

Engineers, 1837

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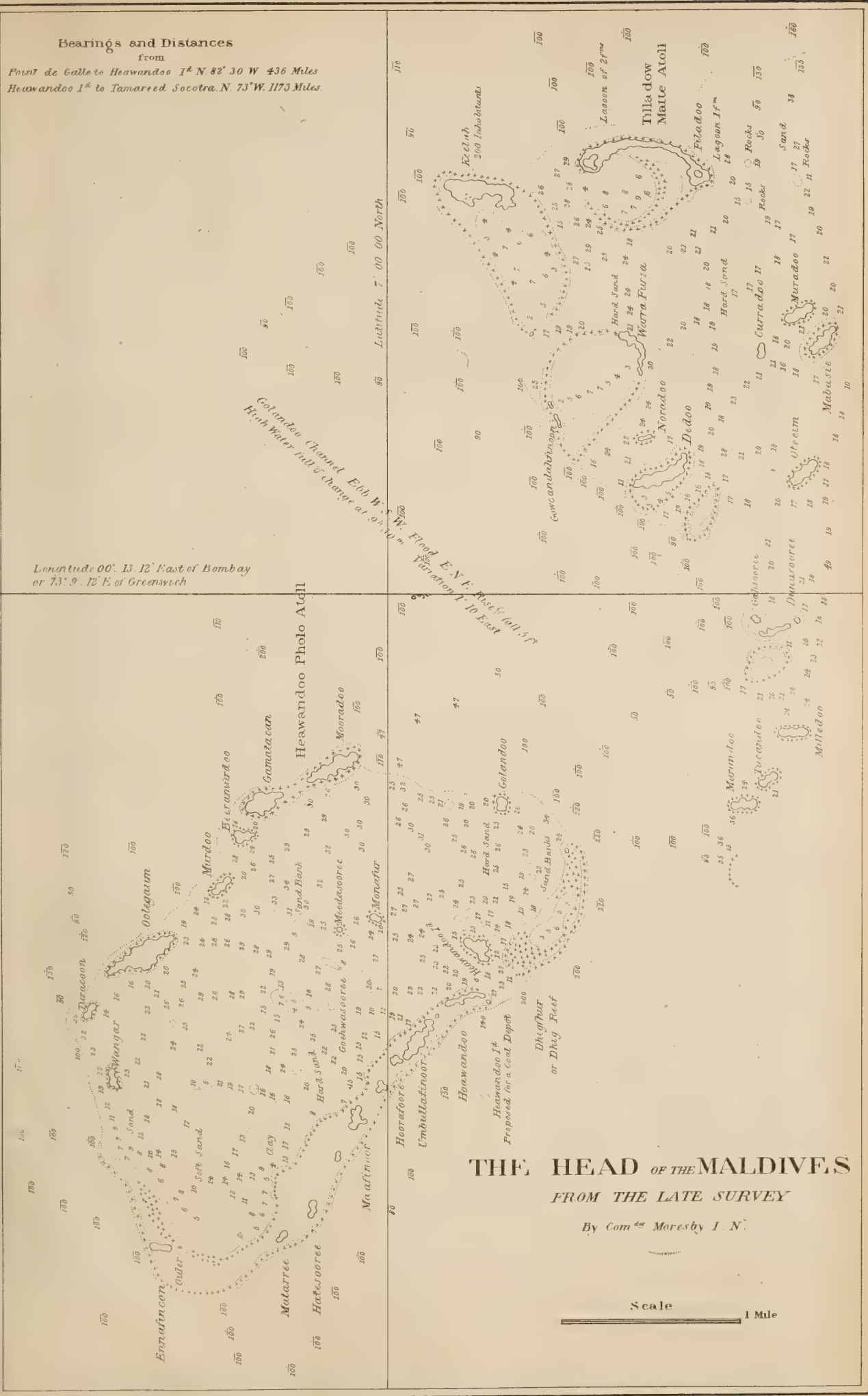

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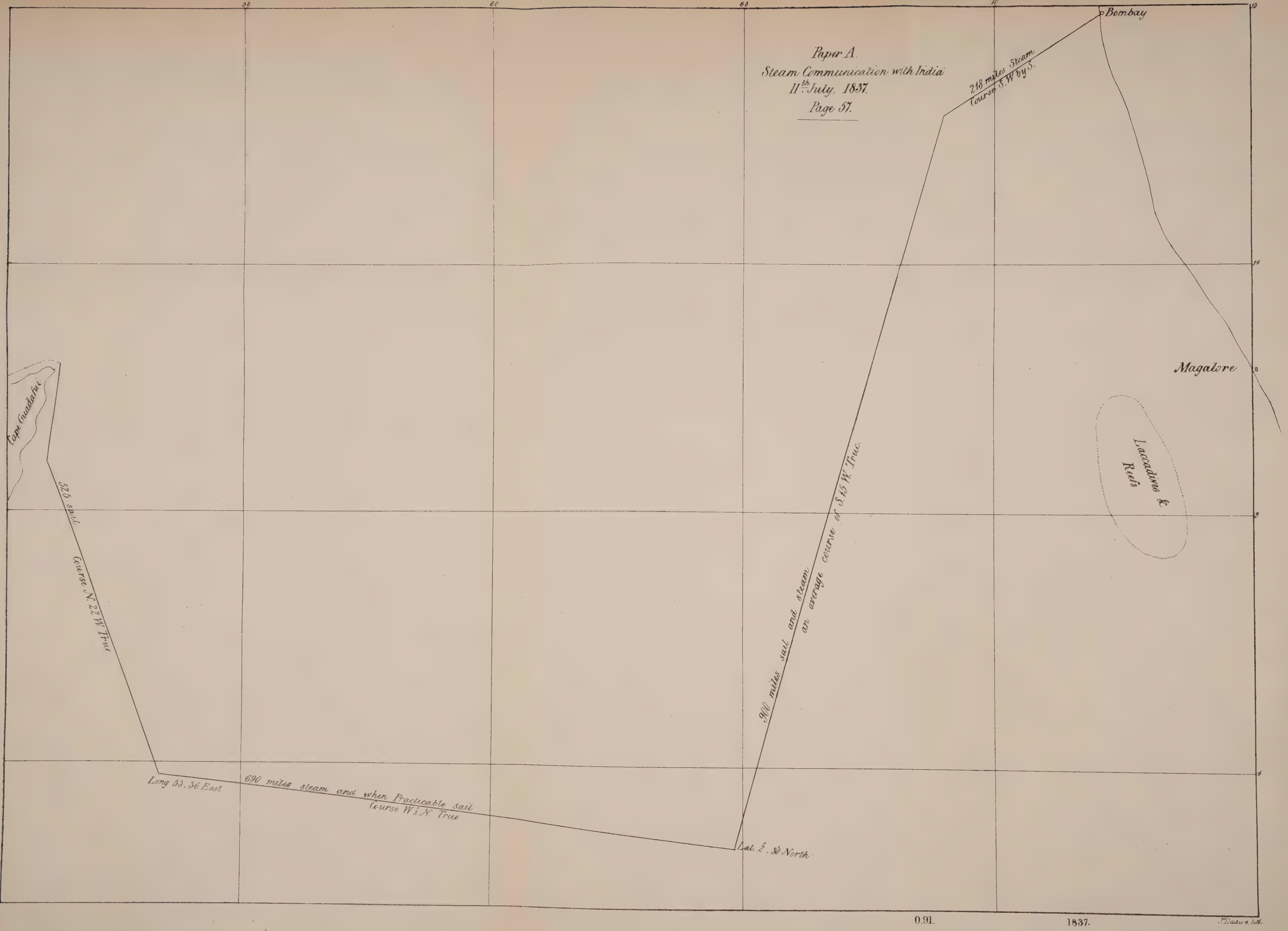

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REPORT

FROM THE

SELECT COMMITTEE

ON

CHURCH LEASES;

WITH

AN APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1837.

Lunæ, 12° *die Junii*, 1837.

Ordered, THAT a Select Committee be appointed to inquire into the mode of granting and renewing Leases of the Landed and other Property of the Bishops, Deans and Chapters and other Ecclesiastical Bodies in England and Wales, and into the probable Amount of, any increased value which might be obtained by an improved management, with a due consideration of the interests of the Established Church and of the present Lessees of such Property.

Ordered, THAT the Committee do consist of Twenty-one Members.

Lunæ, 26° *die Junii*, 1837.

Ordered, THAT a Committee be appointed of the following Members:—

Mr. Chancellor of the Exchequer.
Lord Viscount Howick.
Mr. Pusey.
Mr. Lambton.
Mr. Granville Vernon.
Mr. Pease.
Mr. Ellice.
Mr. Gally Knight.
Mr. Charles Buller.
Mr. Ingham.
Mr. Attorney General.
Mr. Solicitor General.
Mr. Benett.
Mr. Aglionby.
Mr. William Ponsonby.
Mr. Jervis.
Sir Charles Lemon.
Mr. Loch.
Mr. Hector.
Mr. William Crawford.
Mr. Shaw Lefevre.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the mode of granting and renewing LEASES of the Landed and other Property of the Bishops, Deans and Chapters, and other Ecclesiastical Bodies in *England* and *Wales*, and into the probable Amount of any increased Value which might be obtained by an improved Management, with a due consideration of the interests of the Established Church and of the present Lessees of such Property:——HAVE, pursuant to the Order of THE HOUSE, examined the Matters to them referred, and have agreed to the following REPORT:—

YOUR Committee called for the detailed information respecting the Ecclesiastical Property in the Diocese of Durham, as also in the Dioceses of Gloucester, Ely and Lincoln, upon which the calculations of Mr. Finlayson have been founded; and Your Committee is of opinion, that it is expedient that steps should be taken, during the recess, to procure similar information in respect to the Ecclesiastical Property referred to them, not comprehended in the first Resolution.

July 1837.

Mercurii, 5° die Julii, 1837.

PRESENT.

Mr. Hector.	Mr. Shaw Lefevre.
Hon. William Ponsonby.	Mr. Aglonby.
Mr. Lambton.	Mr. Chancellor of the Exchequer.
Mr. Gally Knight.	Mr. Benett.

The Chancellor of the Exchequer called to the Chair.

The Committee deliberate.

Resolved.

THAT there be laid before the Committee the detailed information respecting the Ecclesiastical Property in the several Dioceses of Durham, Gloucester, Ely and Lincoln, upon which the calculations of Mr. Finlayson have been founded.

THAT it is expedient that steps be taken during the recess to procure similar information in respect to the Ecclesiastieal Property, referred to this Committee, not comprehended in the First Resolution.

PARTICULARS of LEASES held under the See of *Durham* for the Term of TWENTY-ONE YEARS - - - - - - - - - - - - - p. 1

PARTICULARS of LEASES held under the See of *Durham* for the Term of THREE LIVES - - - - - - - - - - - - - - p 13

APPENDIX.

APPENDIX.

DURHAM.

ACCOUNT of LEASES held under the See of Durham for the Term of Twenty-one Years, except where otherwise specified.

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
DARLINGTON WARD.							
WEARDALE:			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Half a tenement, with 7 acres of pasture	21 Sept. 1835	10 June 1835	40 – –	– 12 4	– 6 8	160 – –	13 years.
Moiety or east part of Lodge Field, with 3 beast-gates in New Intack, and 10 ditto in Middle Black Dean and Fell	20 July 1832	at date of lease	17 10 –	– 4 –	– –	25 19 –	7 ditto.
Messuage or tenement called Longlee	29 Aug. 1834	27 Sept. 1831	125 – –	2 13 4	2 7 10	179 18 3	ditto.
Tenement called New Park	ditto	11 Oct. 1833	170 – –	5 – –	3 13 –	242 – 6	ditto.
Sunderland's half-tenement, 2 messuages or tenements called Sunderland	30 Dec. 1835	4 Dec. 1834	90 – –	1 13 4	1 4 10	130 12 9	ditto.
Moiety of a tenement called Sunderland	9 Dec. 1833	21 Sept. 1832	64 10 –	1 13 4	1 4 10	92 7 9	ditto.
Messuage or tenement called Wearshead	15 Nov. 1824	at date of lease	52 – –	1 – –	– 7 9	63 15 –	ditto.
A messuage or tenement called Windiside	12 Sept. 1823	ditto	28 – –	– 8 4	– 6 2	34 9 7	ditto.
Ditto – ditto – ditto	8 Aug. 1823	ditto	30 – –	– 8 4	– 6 2	36 19 7	ditto.
BONDGATE IN AUCKLAND:							
Land called Barker's Land	26 Nov. 1828	ditto	30 – –	1 7 8	– 3 8	42 18 6	ditto.
Ditto, called Wigton Walls	9 Feb. 1831	26 May 1830	5 – –	– 8 –	– 4 11½	6 18 –	ditto.
A fulling-mill	14 Dec. 1831	at date of lease	30 – –	4 – –	– –	39 – –	ditto.
Land called Hall Meadows	20 Jan. 1830	ditto	18 – –	– 12 –	– 3 4	26 2 –	ditto.
A water corn-mill and a horse-gate on West Batts	14 Dec. 1831	ditto	78 6 –	4 – –	– 1 4	111 7 –	ditto.
Lands called Whinney Leases, or Robinson's Close	29 Aug. 1832	ditto	12 – –	– 10 –	– –	17 5 –	ditto.
All those messuages or tenements called Woodhouses or Woodhouse Closes and Bracks	11 Sept. 1833	ditto	299 10 –	8 – –	5 7 9¾	429 3 4	ditto.
Part of land called Barker's Land	26 Nov. 1835	ditto	18 15 –	– 19 8	– 2 8	26 9 –	ditto.
A piece of ground called Broken Banks, and Allotment on Etherley Moor	2 Dec. 1831	ditto	4 1 6	– 2 –	– – 8	5 18 3	ditto.
COUNDON GRANGE:							
Two-third parts of Coundon Grange	22 Oct. 1832	ditto	386 10 –	16 – –	5 8 8	547 12 –	ditto.
One-third part of ditto	12 Oct. 1832	ditto	159 – –	8 – –	2 14 4	222 8 6	ditto.
A piece of waste ground and cottage adjoining Durham Road	16 Nov. 1832	ditto	3 – –	– 2 6	– –	4 6 3	ditto.
DARLINGTON AND HAUGHTON:							
Darlington Wastes, with the homestall called Throstle Nest	11 Sept. 1832	ditto	80 – –	1 – –	– –	158 – –	9 ditto.
A piece of waste ground near Burtree Turnpike-gate	1 Sept. 1827	ditto	2 – –	– 1 –	– –	2 – –	7 ditto.
EVENWOOD:							
Two parcels of allotment ground, containing 7 acres	19 Mar. 1832	ditto	8 5 –	– 3 5	– –	12 2 5	ditto.

(*continued.*)

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
DARLINGTON WARD—*continued.*			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
ESCOMB:							
Four acres of ground, formerly part of the waste	2 May 1831	at date of lease	4 10 –	– 4 –	– 2 6	34 8 –	19 years & 7 months.
A cottage, house and garth, containing about 4 acres on Railey Fell	5 Oct. 1832	ditto	4 15 –	– 3 4	– 2 –	6 14 6	7 years.
A piece of waste ground on Railey Fell	2 Mar. 1829	ditto	8 – –	– 3 4	– 2 3	12 – –	ditto.
One acre of waste land in Escomb	3 Oct. 1829	ditto	of trifling value	– 2 6	– – 10	no fine	ditto.
A piece of waste ground on Railey Fell	2 Mar. 1829	ditto	12 – –	– 3 4	– 2 10	17 15 –	ditto.
Three allotments on Etherley Moor	24 Oct. 1831	ditto	2 5 –	– 1 –	– –	3 6 –	ditto.
HEIGHINGTON:							
One oxgang of demesne land	23 Apr. 1833	ditto	13 6 –	– 4 10	1 – 7	18 – 10	ditto.
A close of meadow called the Five Acres, containing about eight acres	13 Sept. 1831	ditto	7 15 –	– 4 10	– –	11 5 3	ditto.
Bankton Close, containing 18 acres	9 Apr. 1835	ditto	12 – –	– 4 10	– –	17 12 9	ditto.
KILLERBY:							
A tenement or farmhold (except thereout one cottage, the New Close, Moor Close, and Killerby Meadow)	6 July 1832	ditto	77 – –	2 5 –	1 17 8	109 6 –	ditto.
A tenement and farmhold (except New Close, Moor Close and all woods)	26 Feb. 1835	ditto	92 15 –	2 5 4	1 4 4½	133 18 –	ditto.
A cottage and three closes, a parcel of ground called New Cote, Moor Close and Middleton Meadow	10 Aug. 1829	ditto	26 10 –	1 6 4	– 19 4	37 12 6	ditto.
LYNESACK:							
Four acres of ground inclosed from the waste at Stubb Gill, with a house and stable, and allotment, containing 3 A. 1 R., awarded to the same; also a bank left unallotted by the Commissioners, about 2 acres	19 Mar. 1832	ditto	7 7 –	– 3 7	– –	10 15 2	ditto.
MIDDRIDGE:							
All that messuage, house and orchard, with a stable and garth, and 6 closes of land; also 2 cottages in Middridge, with the garth, garden and stable	28 Aug. 1830	ditto	54 19 –	– 19 6	– 4 8	80 19 3	ditto.
All that messuage, dwelling-house or tenement, called the Green Field House, and 7 closes of land	ditto	ditto	36 – –	– 19 6	– 4 8	52 10 9	ditto.
Six acres in the Townfields	7 Feb. 1831	ditto	28 10 –	1 3 –	– 10 11⅔	41 – 6	ditto.
Messuage or tenement, with the appurtenances, and a messuage or tenement, with 1 oxgang of land and 2 tenements, and 4 oxgangs of land, with common of pasture	30 Mar. 1832	ditto	82 17 –	3 – –	1 9 8	117 11 –	ditto.
NORTH BEDBURN:							
Two parcels of ground, inclosed from the waste, containing 5 acres, and allotment 1 acre	1 May 1830	ditto	2 – –	– 4 6	– – 4	4 9 3	9 years & 10 months.

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
DARLINGTON WARD:—NORTH BEDBURN—*continued.*			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Two parcels of waste ground, containing 3½ acres, and allotment, containing 2 R. 35 P.	14 May 1832	at date of lease	4 10 –	– 3 10¼	– –	17 2 –	13 years & 7 months.
One parcel of ground divided into 2 small closes, 3½ acres	2 May 1831	ditto	5 3 6	– 3 10¾	– –	39 17 4	19 years & 8 months.
RICKNALL:							
A house with a garth, about half an acre	2 Feb. 1821	ditto	5 15 –	– – 4	– 3 10	11 10 –	11 years & 57 days.
WEST AUCKLAND:							
A piece of ground called Wheatside, containing 4 acres	15 July 1833	ditto	7 15 –	– 2 7	– 2 –½	11 5 7	7 years.
WOLSINGHAM:							
Lands in West Hall Fields	10 Dec. 1831	ditto	45 2 –	– 12 2	– –	66 14 9	ditto.
A moiety of meadow lands, parcel of the demesnes in Hall Fields, exchanged and allotments set out in right of the exchanged premises	3 May 1832	13 Jan. 1831	24 10 –	– 8 7¾	– –	36 2 3	ditto.
Three parts of the Hall Farm, and a moiety or one-fourth part of certain lands lying in the Hall Fields, commonly called the Fourth Part of the Hall Farm	30 Aug. 1834	at date of lease	40 8 –	– 17 8	1 14 4	59 5 6	ditto.
Lands in Hall Fields, and allotments	ditto	ditto	32 – –	– 8 5	– –	47 7 4	ditto.
Lands called the Moiety in Hall Fields, and allotments	3 Jan. 1833	3 Dec. 1832	23 10 –	– 16 –¾	– –	34 1 –	ditto.
A farm in Hall Fields	ditto	ditto	15 15 –	– 6 1	– – 7	23 2 6	ditto.
A piece of heath ground, 16 acres, called the Intake	30 Oct. 1827	17 April 1826	21 5 –	– 8 9	– –	29 11 10	ditto.
Half a quarter of Wolsingham Park, called Bail Hill House, and the old Spring; a parcel of ground called Chapel Walls, and another parcel called Hurst Garth	3 Nov. 1835	at date of lease	195 15 –	6 1 4½	– –	284 10 6	ditto.
Lands in Hall Fields	31 Jan. 1834	ditto	16 – –	– 4 5¼	– –	23 13 4	ditto.
Certain grounds in Hall Fields, and one meadow close called Cawsay Meadow	16 Jan. 1830	ditto	48 – –	1 1 5	– 10 5	70 8 3	ditto.
A parcel of ground called Hencroft Lease	13 Oct. 1831	ditto	53 10 –	1 – –	– –	78 15 –	ditto.
Quarter of the Park called Bishop Oak Quarter, and parcel of ground called Crook	18 Jan. 1834	16 Feb. 1832	52 10 –	2 1 11½	– –	81 4 1	ditto
Messuage, tenement or farmhold, containing Jefferley's Intack, Middle Close, Hemp Hill, with 4 dales in the New Close, and 96 acres of land in the Park, quarter pasture, and a moiety of another parcel of land in Wolsingham Park called Crooksford and Crook's Bank, otherwise Doctor's Pasture	16 Feb. 1832	at date of lease	80 – –	2 10 11	– –	116 3 8	ditto.
Part of Bishop Oak Farm	18 Feb. 1832	ditto	194 – –	6 12 10½	2 1 –	277 19 1	ditto.
Half parcel of Wolsingham Park called Crooksford and Crook's Bank, otherwise Doctor's Pasture, and 5 pasture gates in Crooksford ground	14 Feb. 1834	ditto	65 – –	2 4 3	– 9 2	93 9 10	ditto.
Parcel of Wolsingham Park called Holing Hall, half-quarter	5 Mar. 1825	ditto	45 – –	1 19 11½	– –	53 15 –	ditto.

(*continued.*)

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued*.

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
DARLINGTON WARD:—WOLSINGHAM—*continued*.							
A messuage or tenement called Park Wall, containing Jefferley's Intack, Middle Close, Hemphill, 4 dales in New Close, 96 acres in Park Quarter, pasture in lieu of 24 beast-gates	16 Feb. 1832	at date of lease	£. s. d. 55 – –	£. s. d. 2 3 8½	£. s. d. – 11 –	£. s. d. 78 8 –	7 years.
The high field, low field and pasture field, together 17 acres; the paddock, half an acre, with dwelling-house and 10½ stints in Holing Hall pasture	5 Mar. 1832	ditto	33 – –	– 16 8	– –	48 5 –	ditto.
Allotment made in respect of the Hencroft Lease, being 58 A. and 32 P. of the North Moor	30 Dec. 1835	3 May 1834	5 15 –	– 19 4¾	– –	7 3 6	ditto.
The inclosed parcel of pasture ground called Stanhope Park, together with several closes	12 Oct. 1832	at date of lease	117 – –	5 5 4	2 3 –	164 7 6	ditto.
COAL-MINES AND QUARRIES:							
Hargill and Coldknot Colliery	13 Jan. 1831	13 May 1830	80 – –	2 – –	– –	136 10 –	ditto.
Coundon or Blackboy Colliery	20 Nov. 1833	14 Sept. 1833	1,750 – –	2*l*. 13*s*. 4*d*. & 1*l*. 6*s*. 8*d*. for every pit	– –	2,619 – –	ditto.
Part of Coundon Colliery	13 Mar. 1830	at date of lease	100 – –	1*l*. and 1*l*. 6*s*. 8*d*. for every pit	– –	175 – –	10½ years.
Grewburn & Lynesack Colliery	24 Aug. 1835	10 Mar. 1835	408 – –	14 – –	– –	590 – –	7 ditto.
Crake Scarr and West Pitts Colliery	10 Mar. 1835	at date of lease	100 – –	7 – –	– –	139 10 –	ditto.
Greenfield and West Auckland Colliery	1 July 1828	23 May 1828	700 – –	6 – –	– –	1,214 – –	ditto.
Coal-mines, &c. in the manor of Wolsingham	1 May 1830	at date of lease	25 – –	1 10 –	– –	35 5 –	ditto.
All mines and minerals within Wolsingham Park Estate	16 Sept. 1830	9 June 1830	2 – –	– 5 –	– –	3 1 3	ditto.
Quarries of millstones at Collierlaw in Wolsingham	12 Sept. 1832	at date of lease	31 – –	– 1 –	– –	46 8 6	ditto.
Limestone quarries within the township of Middridge	12 Nov. 1832	ditto	40 – –	– 2 6	– –	52 6 3	ditto.
Mines and limestone quarries in Ricknall Grange, and Bondgate in Auckland (not granted to any other person)	8 Feb. 1833	ditto	80 – –	– 5 –	– –	119 12 6	ditto.
Limestone quarries in the parish of Stanhope	23 Jan. 1832	12 Aug. 1829	14 15 –	– 2 6	– –	21 18 9	ditto.
Quarries of stone, slate, flag, limestone and all other stones in West Thickley copyholds	14 Feb. 1833	at date of lease	5 – –	– 5 –	– –	7 10 –	ditto.
Quarries of stone and slate within the northern part of the township of West Auckland	30 May 1830	ditto	– –	3 3 –	– –	no fine	lease at rack-rent.
CHESTER WARD AND BEDLINGTON.							
BEDLINGTON:							
Three messuages or dwelling-houses, with the gardens behind the same, and also a piece of garden ground called the Banks	10 Jan. 1834	4 Mar. 1833	15 10 –	– 4 –	– 4 –	22 11 6	7 years.
A parcel of land, containing 4 A. 3 R. 1 P., with stables and garden	ditto	ditto	13 – –	– 4 –	– 5 2½	18 17 8	ditto.
Hall Meadows, about 9 acres	25 Mar. 1828	at date of lease	16 – –	– 18 5½	– –	64 1 6	13¼ years.
The ancient manor water corn-mill called Bedlington Mill	1 Jan. 1833	ditto	100 – –	4 – –	2 2 8	328 10 8	11 ditto.
A cottage and ground called the Park	17 May 1831	ditto	21 – –	1 1 –	– 7 1¼	29 18 6	7 ditto.
A close called Bishop's Meadows	3 Mar. 1823	ditto	6 – –	1 1 –	– 7 1	6 3 9	ditto.

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
CHESTER WARD:—BEDLINGTON—*continued.*			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
A messuage or tenement in West Slickburn	8 Feb. 1830	at date of lease	140 – –	– 13 4	1 8 5¼	208 – –	7 years.
Ditto - ditto	- ditto	- ditto		– 13 4	1 8 5½		
Piece of waste ground, &c.	12 Mar. 1832	- ditto -	5 – –	– 2 –	- -	7 7 –	ditto.
CHESTER:							
Dam and fishery of Chester	10 Jan. 1833	- ditto -	value not known	5 – –	- -	39 18 4	21 years.
Two cavils of land	27 July 1833	29 Oct. 1832	70 12 –	2 16 –	- -	101 14 9	7 years.
Lands in the Ewers, containing 12 A. & 4 P.	4 Aug. 1834	22 April 1833	51 5 –	– 19 2	- -	74 9 3	ditto.
Lands called Ewers and Low Flowers	- ditto -	- ditto -		– 13 –			
Half of Dunsforth Ewers	7 Feb. 1832	at date of lease	13 5 –	– 4 10	- -	19 10 3	ditto.
Meadow ground, parcel of the Low Flowers	- ditto -	- ditto -	21 – –	– 9 8	- -	30 15 6	ditto.
One-fourth of Dunsforth Ewers & one-eighth part of one Ewer	- ditto -	- ditto -	25 – –	– 8 1½	- -	36 17 10	ditto.
A close, 3 acres in Chester Ewers, and also 2 closes, parcel of the cavil called Dunsforth Ewers	- ditto -	- ditto -	25 6 –	– 11 2	- -	37 2 3	ditto.
Two closes, part of Dunsforth Ewers	20 July 1832	- ditto -	15 16 6	– 6 4½	- -	21 15 3	ditto.
A cottage, and about 2 acres of land on Chester West Moor	24 June 1833	- ditto -	6 15 –	– 3 –	- -	9 18 –	ditto.
Ditto - ditto	18 Oct. 1824	- ditto -	4 15 –	– 3 –	- -	5 15 –	ditto.
A way-leave over the moors and wastes within the manor of Chester to the River Wear	28 Oct. 1816	- ditto -	value not known	12 – –	- -	55 – –	17 years and five months.
Ditto - ditto	26 July 1833	9 Nov. 1832	25 – –	– 2 6	- -	37 6 3	7 years.
A way-leave from Waldridge colliery	16 Aug. 1819	at date of lease	- -	10 – –	- -	– 5 – A nominal fine only to secure the rent.	21 years.
Way-leave over Birtley Fell	15 Dec. 1823	25 Sept. 1823	- -	76 – –	- -	no fine -	lease at rack-rent.
Lands at Chester-le-street	1 May 1834	20 July 1832	12 12 –	– 9 7	- -	18 3 7	7 years.
CLEADON:							
Waste ground, with a dwelling-house and smith's shop	2 June 1828	at date of lease	13 – –	– 1 –	- -	19 8 6	ditto.
EIGHTON BANKS:							
A piece of waste ground, with a house called Rewcastle's House	1 Jan. 1831	- ditto -	16 10 –	– 1 –	- -	22 10 –	8 years & 2 months.
GATESHEAD:							
The manor of Gateshead	22 July 1835	- ditto -	2,658 3 6	113 16 1*	- -	545 4 5	1 year.
* *N. B.*—One hundred pounds of this rent has been granted in augmentation of Gateshead Fell Rectory.							
Saint Helen's Close	22 July 1835	at date of lease	67 – –	3 5 5	- -	14 6 –	1 year.
Tolls of Gateshead-on-Tyne Bridge, and a parcel of ground called the Salt Meadows, to the Mayor and Burgesses of Newcastle	17 Mar. 1554	- ditto -	- -	6 10 8	- -	no fine	granted for 450 years.
LANCHESTER:							
A cottage and garth on Lanchester Fell	1 Sept. 1830	- ditto -	not known	– 1 6	- -	- ditto -	7 years.
Water corn-mill near Bear Park, and allotment	10 Feb. 1835	13 Sept. 1834	24 – –	1 12 4½	– 6 10	33 1 3	ditto.
Land called Haycock's land, and allotment	4 Feb. 1833	at date of lease	32 5 –	– 12 11½	- -	47 10 3	ditto.
Water corn-mill at Lanchester	6 Sept. 1830	6 Mar. 1829	24 – –	3 7 8	– 4 –	30 18 6	ditto.
WHICKHAM:							
The manor of Whickham	24 Oct. 1834	at date of lease	680 – –	117 15 8*	7 4 8	120 – –	1 year.
* *N. B.*—One hundred pounds of this rent has been granted in augmentation of Medomsley Curacy.							
WHITBURNE:							
Shipwreck of the sea happening upon the rocks	14 Jan. 1835	at date of lease	not known	– 5 –	- -	no fine	15 years.

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
CHESTER WARD—*continued.*							
COAL-MINES AND QUARRIES:			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
The coal-mines within the Lordship of Bedlington	15 Sept. 1832	at date of lease	80 – –	2*l.* and 2*l.* for every pit		117 – –	7 years.
The coal-mines within Urpeth Moor, Edmonsley Moor, Chester South Moor, &c.	26 July 1833	9 Nov. 1832	324 – –	– – 1*l.* 6*s.* 8*d.* for every pit		483 – –	ditto.
Coal-mines within Findon Hill and Potter Moor	27 July 1833	10 Nov. 1832	70 – –	1 – –	– –	103 10 –	ditto.
Coal-mines within Harber Moor, & lands in Plawsworth	– ditto –	– ditto –	170 – –	1 6 8	– –	253 – –	ditto.
* Mines and minerals in the parish of Lanchester	24 Jan. 1831	at date of lease	1,500 – –	– – 10*l.* 1*s.* & 13*s.* 4*d.* for every pit		2,243 18 –	ditto.

* *N. B.*—A concurrent lease of this colliery has since been granted, the lease being renewable by custom every year.

Coal-mines at Tanfield and Tanfield Leigh	10 July 1834	4 Sept. 1833	118 – –	3*l.* and 5*s.* for every pit		172 10 –	7 years.
Coal-mines within Birtley Fell & Eighton Banks Common	1 Jan. 1831	at date of lease	300 – –	5 – –	– –	516 5 –	8 years and 2 months
Liberty of watercourse from Springwell colliery, through the last mentioned coal-mines	– ditto –	– ditto –		10 – –	– –		
Charlaw colliery	10 Nov. 1830	– ditto –	52 – –	– 13 4	– –	90 4 2	7 years.
Coal-mines in Brasside Moor, Framwellgate Moor and Frankland	– ditto –	– ditto –	120 – –	– – 13*s.* 4*d.* and 4*l.* more on 30 fothers of coal being wrought		208 16 8	ditto.
Coal-mines at Boldon	30 Aug. 1832	– ditto –	70 – –	– – 18*s.* and 15*l.* more on 30 fothers of coal being wrought		103 13 –	ditto.
Part of ditto, within Biddick-house and Brockley Whins estate	– ditto –	– ditto –	not known	2*s.* and 15*l.* as above		5 – –	new lease for 21 years.
Coal-mines at Whitburne	– ditto –	– ditto –	80 – –	1*l.* and 15*l.* as above		118 10 –	7 years.
Quarries of freestone and slate in Low Brasside Moor	16 May 1818	– ditto –	not known	– – 5*l.* and 6*d.* for every ton of slate or stone won above 400 tons		– 1 –	21 years Nominal fine only
Quarries in the manor of Chester	10 April 1827	– ditto –	10 – –	– 10 –	– –	14 15 –	7 years.
Limestone quarries in Whitburne and Cleadon	21 Mar. 1831	– ditto –	60 – –	2 10 –	– –	234 16 6	13 years 4 months
Quarries in Bedlington and West Slickburn	24 Jan. 1833	– ditto –	6 14 –	– 2 6	– –	10 – –	7 years.
Limestone and rocks of limestone between high and low watermark near the sea at Whitburne	2 May 1818	– ditto –	4 8 –	1 1 –	– –	5 – –	ditto.
Way-leave over lands in Stanhope, Lanchester and Chester	25 Oct. 1833	13 May 1833	– –	– – 425*l.* for main line, 20*l.* for Tanfield branch		no fine	new lease at rack rent.
NORTHUMBERLAND.							
STAMFORDHAM:							
A moiety of the tithes	14 Aug. 1834	14 March 1834	474 4 9	13 6 8 and three bushels of wheat to the poor	6 11 5	679 18 6	7 years.
Ditto – – ditto –	25 July 1834	– ditto –	474 4 9	13 6 8 and three bushels of wheat to the poor	6 11 5	679 18 6	ditto.
STOCKTON WARD.							
BISHOP MIDDLEHAM:							
Certain lands called Hollands	2 Nov. 1832	at date of lease	67 – –	1 4 –	– –	98 14 –	ditto.
A tenement and lands called Hollands in part	23 Mar. 1832	– ditto –	50 – –	1 13 –	– –	72 10 6	ditto.
A cottage and nine acres of arable land	2 June 1835	– ditto –	12 6 6	– 13 1	– –	17 10 1	ditto.
A messuage and 20 acres of Exchequer lands	1 Sept. 1830	2 Mar. 1829	52 6 –	2 – 4	– 11 3	75 8 6	ditto.
CORNFORTH:							
A messuage called Lister's Farm	13 Sept. 1830	at date of lease	130 3 –	2 4 8	2 9 8½	191 17 6	ditto.

LEASES held under the SEE of DURHAM for TWENTY ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
STOCKTON WARD—*continued.*							
NORTON:			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Seams of clay within the copyholds in Norton, belonging to J. R. Grey	10 Mar. 1823	at date of lease	- - -	6 *d.* for every thousand bricks		no fine	new lease.
Seams of clay within the copyholds in Norton and Stockton, belonging to William Grey	ditto	ditto	- - -	6 *d.* as above		no fine	ditto.
A bakehouse and lands in the parish of Norton, for the use of Norton school	1 Feb. 1832	ditto	not known	2 2 1	- -	no fine	ditto.
SEDGEFIELD:							
Moiety of a messuage and a close in the East Moor	30 July 1835	ditto	70 - -	- - 11 *s.* 5¼ *d.* and 3 sheaves of wheat, and half a bushel of oats		103 2 10	7 years.
Two messuages or tenements and one close in the Brakes	13 Sept. 1831	ditto	45 15 -	- - 1 *l.* 3 *s.* -½ *d.* and 6 sheaves of wheat, and 1 bushel of oats		66 18 -	ditto.
A messuage and two oxgangs of land	1 Feb. 1834	15 Feb. 1833	34 - -	- - 1 *l.* 3 *s.* -½ *d.* and 6 sheaves of wheat, and 1 bushel of oats		48 7 9	ditto.
A messuage and two closes of land	4 Aug. 1830	at date of lease	55 - -	- - 1 *l.* 2 *s.* 10 *d.* and 6 sheaves of wheat, and 1 bushel of oats		80 17 3	ditto.
Moiety of a messuage and close in the East Moor	9 May 1832	ditto	55 - -	- - 11 *s.* 5 ¼ *d.* and 3 sheaves of wheat, and half a bushel of oats		81 12 11	ditto.
STOCKTON:							
Island or parcel of ground called Jenny Mills' Island	30 Sept. 1835	10 Oct. 1834	134 4 -	1 1 -	- -	199 14 6	ditto.
Anchorage, plankage and metage of the Port of Stockton	14 Sept. 1829	at date of lease	27 14 -	1 - -	- -	33 7 6	ditto.
House and shops adjoining the toll-booth	ditto	ditto	29 19 -	- - 4	- -	37 8 7	ditto.
A piece of waste ground on the west side of West Row	ditto	ditto	20 10 -	- 5 -	- -	25 7 8	ditto.
A piece of waste ground and buildings	31 Dec. 1831	ditto	14 - -	- 1 -	- -	20 18 6	ditto.
A piece of waste ground used for a raff-yard	ditto	ditto	15 10 -	- 10 -	- -	22 10 -	ditto.
An island called Samphire Batt	7 Dec. 1835	16 May 1835	292 10 -	10 - -	- -	423 15 -	ditto.
EASINGTON WARD.							
BISHOP WEARMOUTH:							
A cottage, a garth, and 15 acres of ground	9 July 1835	17 Jan. 1835	54 15 -	- 15 4	- -	80 19 6	ditto.
Wind corn-mill	2 June 1826	2 Mar. 1826	17 10 -	2 - -	- 3 -	27 2 6	9 years & 6 months.
CASSOP:							
Half a messuage or tenement	8 Aug. 1831	at date of lease	55 - -	2 11 -	- -	78 13 6	7 years.
DURHAM:							
Waste called the Turnpike	4 June 1835	ditto	- - -	- 1 -	- -	no fine	21 years.
Waste ground near the old gaol	16 Mar. 1835	ditto	- - -	- 1 -	- -	5 - -	14 years & 7 months.
EASINGTON:							
Half a tenement and lands	4 Aug. 1825	ditto	10 - -	- 6 -	- -	31 4 -	11½ years.
12 acres of demesne lands	1 May 1829	ditto	9 - -	- 12 -	- -	16 9 -	8 years.
A tenement and lands	2 Mar. 1829	ditto	120 15 -	2 8 4½	1 3 7	175 5 10	7 years.
Ditto - ditto	- ditto	ditto		1 9 4½	- -		
A messuage and lands called White Hall	23 Apr. 1832	ditto	72 15 -	1 12 4½	1 1 6¾	105 1 8	ditto.
A messuage or tenement	30 Mar. 1832	ditto	56 15 -	2 2 2½	1 2 10	80 4 9	ditto.
A tenement and lands	22 Nov. 1831	ditto	57 10 -	1 12 4½	1 8 7½	81 11 6	ditto.
A messuage and lands	6 July 1832	ditto	99 15 -	5 10 9	- -	141 6 5	ditto.
Petwell Close, containing 9 acres	22 Mar. 1833	ditto	18 - -	- 5 4	- -	26 12 -	ditto.

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
EASINGTON WARD:—EASINGTON—*continued.*							
A messuage or tenement, and 1½ main, containing 13½ acres	23 Sept. 1833	at date of lease	54 – –	1 18 4½	– –	78 2 6	7 years.
Messuages and lands in Shotton and Easington, and a water corn-mill at Shotton	11 Sept. 1833	1 April 1833	254 – –	7 4 10	– –	370 2 9	ditto.
Several closes, containing 60 acres	13 July 1832	at date of lease	38 16 –	– 9 –	– –	55 10 6	ditto.
The cow-pasture, 12 acres, a messuage or tenement and close, containing 10 acres, and the moors, 20 acres	6 July 1832	ditto	36 15 –	2 6 3	– 12 –	50 15 2	ditto.
LITTLE THORP:							
A field, containing 20A. 1R. 17P.	23 Oct. 1830	ditto	10 – –	– 6 8	– –	15 – –	ditto.
Three fields, containing 21 A. 1 R. 38 P.	ditto	ditto	24 – –	– 13 4	– –	35 – –	ditto.
One-sixth part of a messuage or tenement and lands	22 Oct. 1828	ditto	19 10 9	– 8 –	– –	28 14 2	ditto.
A tenement and lands	18 Oct. 1830	23 Oct. 1829	36 – –	1 4 –	– –	52 1 –	ditto.
MORTON:							
The manor town or farm of Morton	15 Dec. 1831	30 Aug. 1831	232 – –	6 – –	3 – 8	334 9 –	ditto.
NEWBOTTLE:							
A tenement and lands	30 May 1832	at date of lease	70 – –	1 7 4	– –	102 19 –	ditto.
Half an oxgang of land	6 June 1831	ditto	7 13 –	– 4 –	– –	9 13 6	ditto.
Lands, containing 27 A. & 3 P.	12 Mar. 1832	ditto	54 – –	– 2 3	– –	80 16 7	ditto.
A tenement, cote-house and lands	1 Oct. 1832	ditto	34 – –	1 19 2	– –	48 1 3	ditto.
QUARRINGTON:							
Part of Quarrington Grange	2 Mar. 1829	ditto	116 5 –	1 10 –	– –	172 2 6	ditto.
RYHOPE:							
A tenement and several closes	16 Feb. 1831	ditto	236 – –	2 7 10	2 6 7	350 8 3	ditto.
Half a tenement and lands	18 Oct. 1830	ditto	115 – –	1 1 8	– 5 4	170 17 6	ditto.
Ditto ditto, viz. houses in Ryhope, a close called Fuffins, and one other close called Longdale	1 Sept. 1832	ditto	106 16 –	1 1 8	1 17 6	155 15 3	ditto.
Several parcels of land	14 Oct. 1835	17 Nov. 1834	135 – –	2 16 –	– 4 –	198 – –	ditto.
A tenement, one land, one main and one-sixth part of a main	24 Sept. 1832	at date of lease	190 10 –	2 2 2½	– 19 6	281 2 6	ditto.
A tenement, with one-fourth part of a land, containing one close	25 Jan. 1833	ditto	12 10 –	– 5 10	– –	18 6 3	ditto.
The other moiety or one-fourth part of a land called Lamerick	16 Feb. 1831	ditto	22 – –	– 5 10	– 5 8	32 11 3	ditto.
A messuage or tenement and lands	16 April 1832	ditto	75 10 –	1 3 9	– 14 10	110 7 1	ditto.
Ditto ditto	ditto	ditto	91 10 –	1 16 11	– 17 2	133 3 10	ditto.
A tenement	ditto	ditto	3 3 –	– 1 –	– 1 5	4 10 10	ditto.
Ditto and land	ditto	ditto	12 1 –	– 4 –	– 5 –	18 1 6	ditto.
Shipwreck, &c., between Sunderland Pier and Ryhope Dean	15 Feb. 1817	ditto	3 3 –	– 5 –	– –	3 12 6	ditto.
SHADFORTH:							
A tenement and lands	26 Dec. 1829	ditto	85 – –	2*l.* 5*s.* 2*d.* and 1*s.* 1*d.* to the Coroner of Easington Ward		124 – 8	ditto.
A messuage or tenement	12 Sept. 1829	ditto	66 11 –	2 5 2	1 17 4	96 9 –	ditto.
Half a tenement	17 Mar. 1831	ditto	48 – –	1 3 1½	– –	70 5 5	ditto.
Half a messuage or tenement and lands	18 Oct. 1830	ditto	42 13 6	1 3 1½	– 18 8	62 5 8	ditto.
Ditto ditto	ditto	ditto	48 6 6	1 4 1½	– 17 4	70 13 7	ditto.
Ditto ditto	ditto	ditto	45 10 –	1 3 1½	– –	66 10 4	ditto.
A tenement or cottage and land	26 May 1835	ditto	16 – –	– 6 8	– 6 –	23 1 –	ditto.

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
EASINGTON WARD:—SHADFORTH—*continued.*			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Half a messuage and lands	19 April 1833	at date of lease	70 15 –	1 3 1½	1 3 4	102 12 10	7 years.
Half a tenement, a meadow close, containing 9 acres, and pasture close, containing 51 acres	27 Feb. 1833	ditto	53 10 –	1 2 7	1 1 4	76 19 2	ditto.
Half a messuage or tenement and lands	20 Sept. 1833	ditto	75 16 6	1 2 7	– –	112 – 10	ditto.
Ditto - ditto	3 Oct. 1831	ditto	53 – –	1 2 7	1 3 4	76 1 2	ditto.
SHERBURN:							
A cottage or cotehouse and land	20 June 1831	23 April 1831	21 8 –	– 6 –	– –	31 13 –	ditto.
A cottage and lands	5 Feb. 1835	at date of lease	20 – –	– 5 –	– 10 –	28 17 6	ditto.
Ditto - ditto	20 June 1831	2 Sept. 1830	22 – –	– 7 –	1 6 –	30 12 –	ditto.
Ditto - ditto	5 Nov. 1832	at date of lease	34 – –	– 6 –	– –	50 11 –	ditto.
A piece of waste ground	1 Feb. 1835	ditto	6 10 –	– 1 –	– –	9 13 6	ditto.
SHOTTON:							
A messuage or tenement and lands and a cottage	13 Oct. 1831	at date of lease	108 10 –	1 15 10	2 11 –	156 4 9	ditto.
A moiety of a messuage, and one cottage and lands	16 Oct. 1833	ditto	65 4 –	– 18 6	– –	96 8 3	ditto.
A messuage or tenement and several closes	2 Jan. 1832	29 Sept. 1831	64 10 –	1 11 4	– 17 6	93 1 9	ditto.
A messuage and lands	ditto	2 March 1829	10 – –	1 14 10	– –	12 7 9	ditto.
A tenement, garth and several closes of land	ditto	ditto	56 – –	1 5 –	– –	82 2 6	ditto.
A parcel of ground called the Top of the Stone Close	6 Dec. 1830	at date of lease	14 5 –	– 8 –	– –	20 15 6	ditto.
A messuage or tenement and farm called Swan Castle	28 Nov. 1835	10 March 1835	20 – –	– 9 –	– –	29 6 6	ditto.
SUNDERLAND:							
The borough, bailiff's place, anchorage, beaconage, &c.	27 July 1833	3 Sept. 1832	324 6 10	10 – –	2 11 6	467 13 –	ditto.
COAL-MINES, QUARRIES & WAY-LEAVES:							
Coal-mines in Bishop Wearmouth and Sunderland	30 Aug. 1832	at date of lease	100 – –	1 *l.*, and 15 *l.* additional after 30 fothers of coal are wrought		148 10 –	ditto.
Certain coal-mines in the townships of Sherburn and Shadforth	3 May 1834	16 Oct. 1833	1,680 – –	10 – –	– –	2,500 – –	ditto.
Coal-mines in the townships of Bishop Middleham, Cornforth, Sedgefield and Quarrington	ditto	ditto	715 – –	10 – –	2 1 6	1,054 – –	ditto.
Certain coal-mines in the townships of Cassop and Shadforth	ditto	ditto	850 – –	5 – –	– –	1,266 18 3	ditto.
Certain coal-mines in the townships of Sherburn, Shadforth and Cassop	ditto	ditto	810 – –	5 – –	– –	1,206 1 9	ditto.
Coal-mines in the townships of Easington, Thorp and Shotton	ditto	ditto	320 – –	10 – –	– –	460 – –	ditto.
Coal-mines and limestone quarries in Houghton-le-Spring and Newbottle	1 July 1829	at date of lease	2,279 12 –	40 *l.* for main coal, 1 *l.* for quarries, and 1 *l.* 6 *s.* 8 *d.* for every pit		3,912 17 8	ditto.
Coal-mines in the manor of Morton	30 Aug. 1831	ditto	128 – –	2 – –	– –	189 4 –	ditto.
Coal-mines in three copyhold closes called Morton Hill	ditto	ditto		– 2 6			
Coal-mines and quarries within the townships of Warden Law and East and West Harrington	27 April 1832	ditto	100 – –	2 – –	– –	147 – –	ditto.
Quarries of limestone within the lands belonging to J. T. Wawn in East and West Boldon	12 July 1828	ditto	not known	– 10 –	– –	105 – –	new lease.

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
EASINGTON WARD:—COAL-MINES, &c.—*continued.*			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Quarries of limestone under certain lands in Shadforth, containing 75 acres	10 Mar. 1834	at date of lease	not known	– 5 –	– –	no fine	new lease.
Quarries of limestone under certain lands in Sherburn, containing 138 acres	ditto	ditto	ditto	– 5 –	– –	ditto	ditto.
Limestone quarries in Bishop Wearmouth, and the fishing in the river Wear	27 July 1833	10 Nov. 1832	18 7 4	2 1 –	– –	24 9 6	7 years.
Quarries of freestone in the townships of Sherburn, Shadforth, Cassop and Quarrington	13 Feb. 1833	at date of lease	– –	10 – –	– –	no fine	lease at rack-rent.
WAY-LEAVES to the "DURHAM and SUNDERLAND RAILWAY COMPANY:"							
Way-leave over lands in the township of Ryhope	15 June 1835	13 May 1835	– –	– 598 *l.* for 1 double main railway, and 200 *l.* per mile for every branch railway	no fine		new lease granted for 99 years under the powers in the Railway Act.
Way-leave over lands in the parish of Sunderland	ditto	ditto	– –	– 96 *l.* for 1 double main railway, and 200 *l.* per mile for every branch railway	no fine		ditto.
YORKSHIRE.							
HOWDENSHIRE:							
A mill at Howden	10 Dec. 1833	3 Feb. 1833	10 – –	1 10 –	– 6 8	12 15 –	7 years.
The manor of Howden, &c.	ditto	ditto	862 10 –	29 18 8	17 17 6	1,248 17 –	ditto.
A water corn-mill at Barmby	ditto	ditto	10 – –	1 19 –	– 8 8	12 1 6	ditto.
Mines and quarries within the copyholds in Welton, and fisheries, wreck, &c. in the parish of Welton	10 Aug. 1832	at date of lease	2 10 –	– 1 –	– 7 –	8 – –	11½ years.
The ferry and fishing at Howdendyke, an island, &c.	11 June 1832	ditto	26 15 –	– 11 4	1 8 –	37 15 6	7 years.
Silver Pit fishery	ditto	ditto		1 – –			
Tolls and fairs at Howden mill, &c.	8 Mar. 1833	ditto	6 – –	2 10 –	– –	5 5 –	ditto.
Lands in Saltmarsh, called Aizell Crofts, &c.	15 Dec. 1831	ditto	197 10 –	5 16 8	3 19 –	278 11 6	ditto.
The Aizell Crofts, the Great and Little White Crofts, &c.	5 Jan. 1831	ditto	190 – –	6 5 2	4 10 11½	275 12 3	ditto.
Lands in Skelton, called Pinderland Flatt	1 Oct. 1832	ditto	14 5 –	– 12 3	– 5 2	20 9 1	ditto.
A water corn-mill in Ellerker	25 Mar. 1835	12 Oct. 1834	10 – –	2 13 4	– 13 3½	11 – –	ditto.
Two water corn-mills in Welton, called Upper and Lower Mills	13 Oct. 1834	at date of lease	25 – –	3 – –	– 12 –	32 2 –	ditto.
Piece of land called Ferry Green, &c.	16 May 1835	13 Jan. 1835	16 5 –	– 13 4	– 4 8	61 8 –	14 years.
Fisheries, wrecks, &c. in Ellerker and Walkington	24 Jan. 1827	at date of lease	4 10 –	– 5 –	– –	6 6 –	7 years.
A warehouse and waste ground	13 Sept. 1819	ditto	13 8 –	– 5 –	– –	16 8 9	ditto.
Allotment, late part of the common called Bishop Soil	12 May 1832	12 May 1831	7 15 –	– 4 8	– 5 –	11 5 6	ditto.
Waste ground at Booth on the Ouse, with stable, &c.	1 May 1830	at date of lease	not known	– 10 –	– –	no fine	ditto.
Waste ground, with the staith or wharf thereupon, called Howdendyke Ebb Staith	15 Mar. 1824	ditto	ditto	– 10 –	– –	ditto	new lease.
A piece of waste ground, with the gas-house thereupon erected	10 Jan. 1833	ditto	ditto	– 1 –	– –	– 10 – a nominal fine only	ditto.
NORTHALLERTON:							
Part of Jeckell's house and Jeckell's close, containing 40 acres	6 Nov. 1833	31 May 1833	70 – –	1 6 8	– 15 8	101 16 6	7 years.
Three closes called Great Applegarth	3 Sept. 1835	at date of lease	46 – –	1 8 –	– 18 –	65 10 4	ditto.

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
YORKSHIRE:—NORTHALLERTON—*continued.*			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
A close called Little Apple-garth	6 Nov. 1833	6 May 1833	21 – –	– 12 –	– 5 2	30 4 –	7 years.
Three and a half oxgangs of land	22 Feb. 1834	at date of lease	3 7 6	– 1 6	- -	4 19 –	ditto.
Two oxgangs of new land, called Cawdah and Thistle Board	9 Jan. 1833	- ditto -	71 – –	– 13 9	- -	105 1 11	ditto.
The borough tolls, markets, fairs, &c. of Northallerton	14 July 1835	- ditto -	102 – –	8 – –	1 10 5	138 – –	ditto.
A messuage and lands	21 June 1834	15 Sept. 1832	68 – –	– 10 –	1 19 –½	102 – –	ditto.
Part of grounds called Cotcliffe, which are now cleared from timber and wood, and a meadow, called Forster's Fee	15 Sept. 1832	at date of lease	20 – –	– 4 –	- -	29 14 –	ditto.
Four closes or parcels of ground	21 Mar. 1833	15 Sept. 1832	24 – –	– 3 –	– 11 11	34 17 8	ditto.
Two - ditto - ditto	- ditto -	- ditto -	9 10 –	– 1 6	– 5 11½	13 13 10	ditto.
Two - ditto - ditto	- ditto -	- ditto -	7 – –	– 1 6	– 5 11½	9 18 10	ditto.
Mote pasture, containing 8 acres	5 June 1833	16 April 1833	16 10 –	1 – –	– 6 2	22 15 9	ditto.
A parcel of ground called Green Gates	25 Feb. 1833	at date of lease	16 – –	– 3 4	- -	23 15 –	ditto.
A tenement, garth and lands	2 Apr. 1831	- ditto -	13 10 –	– 3 4	- -	20 – –	ditto.
Two oxgangs of old land	23 June 1831	- ditto -	35 15 –	– 14 6	– 8 6	51 – 9	ditto.
One-fourth part of Great Holmes	26 Feb. 1835	- ditto -	18 15 –	– 16 8	– 7 –	26 7 –	ditto.
Land called Great Grayson Barf, containing 4 A. 2 R. 35 P.	17 Sept. 1832	- ditto -	15 5 –	– 2 –	– 5 10½	22 14 6	ditto.
The Mill Hill, containing 10 acres	6 Nov. 1833	31 May 1833	48 10 –	– 4 –	– 13 9	71 8 4	ditto.
Lands called Potter's Closes, containing 17 A. 3 R. 1 P.	5 Feb. 1834	18 Mar. 1833	50 – –	– 4 6	– 15 10	73 9 6	ditto.
Lands called Bull's Moor, containing 14 A. 1 R. 13 P.; New Pasture, 12A. 3R. 14P.; Intack, 2 A. 2 R. 17 P.; Low Turker Banks, 16 A. 2 R. 32 P., and High Turker Banks, 9 A. 1 R. 8 P.	7 Nov. 1832	at date of lease	41 10 –	1 – 4	- -	60 14 6	ditto.
All mines and quarries in Allerton and Allertonshire	28 Nov. 1835	22 Feb. 1835	36 15 –	1 – –	- -	53 12 6	ditto.
BORROWBY:							
Three-fourth parts of Borrowby Mill	17 Jan. 1831	at date of lease	17 5 –	2 – –	– 9 6	22 17 6	ditto.
BROMPTON:							
One-fourth of an oxgang of demesne land	13 Oct. 1834	- ditto -	4 10 –	– 1 1	- -	6 13 4	ditto.
One-half - ditto - ditto	20 Nov. 1833	27 June 1832	16 16 –	– 2 10½	1 6 11	24 19 9	ditto.
Four - ditto - ditto	23 June 1831	at date of lease	94 – –	– 17 8	3 8 7	139 13 6	ditto.
One-fourth ditto - ditto	28 Feb. 1831	- ditto -	13 10 –	– 1 7	– 7 9¾	20 2 8	ditto.
One-fourth ditto - ditto	17 Feb. 1834	- ditto -	23 2 –	– 5 7	– 13 9¾	33 4 –	ditto.
One-fourth ditto, called Scamthorne	16 Mar. 1829	- ditto -	4 7 6	– 1 3	- -	6 9 5	ditto.
One fourth ditto, called the Oak Tree Close	16 Feb. 1831	- ditto -	5 10 –	– 1 2	- -	8 3 5	ditto.
Two oxgangs of land	17 Aug. 1835	- ditto -	60 – –	– 8 10	- -	89 6 9	ditto.
Half an oxgang of demesne land	10 Mar. 1831	- ditto -	5 12 –	– 2 –	– 4 –	8 5 –	ditto.
One and a half ditto - ditto	23 June 1831	- ditto -	26 – –	– 6 6	– 18 1½	38 10 3	ditto.
Four - - ditto - ditto	17 Mar. 1830	- ditto -	89 – –	– 17 8½	1 10 –	132 3 5	ditto.
One and three-fourths oxgang of demesne land, and a moiety of Winton Ings	31 May 1833	- ditto -	27 5 –	– 7 8¾	– 18 –	40 5 10	ditto.
Winton Ings, containing about 69 acres	10 Mar. 1831	- ditto -	62 10 –	– 4 –	2 12 1¾	93 9 –	ditto.

LEASES held under the SEE of DURHAM for TWENTY-ONE YEARS, &c.—*continued.*

ESTATE.	Date of Lease.	Commencement of Term.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	No. of Years expired on which the Fine is calculated.
YORKSHIRE:—BROMPTON—*continued.*			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Cottage and garth upon the waste	8 Apr. 1831	at date of lease	4 15 –	– – 6	– 2 9½	7 1 9	7 years.
Ditto - ditto	30 July 1821	- ditto -	not known	– 2 6	- -	no fine	ditto.
Waste ground	18 Aug. 1830	- ditto -	- ditto -	– 1 –	- -	10 – –	new lease.
OSMOTHERLEY:							
A fulling-mill	12 Aug. 1830	at date of lease	9 3 4	1 13 4	– 5 –	11 – –	7 years.
One oxgang of demesne land	13 Jan. 1834	13 May 1833	28 – –	– 5 10	– 14 6	65 1 10	10 ditto.
Ditto - ditto	- ditto -	- ditto -		– 6 –	- -		
Half ditto - ditto	30 July 1835	at date of lease	6 5 –	– 2 11	– 10 –	8 8 1	7 ditto.
One ditto - ditto	4 Nov. 1830	- ditto -	35 17 –	– 5 10	– 11 –	53 6 9	ditto.
Two ditto - ditto	31 Oct. 1834	31 Aug. 1833	24 – –	– 11 8	– 8 6	34 9 9	ditto.
One ditto - ditto	22 Oct. 1833	15 June 1832	25 15 –	– 6 –	– 10 –	38 3 6	ditto.
A tenement, 2 cottages, 1½ oxgang of land, &c.	1 May 1834	at date of lease	53 10 –	– 9 11	– 5 6	79 1 10	ditto.
Land called the Cote Garth, &c., containing 20 acres	10 Dec. 1833	31 May 1833	22 10 –	– 5 –	– 9 –	32 14 –	ditto.
One oxgang of demesne land called Flamise	20 Nov. 1833	23 Sept. 1832	15 – –	– 6 –	– 11 –	22 1 –	ditto.
One oxgang of demesne land	9 Feb. 1833	at date of lease	28 15 –	– 6 –	- -	43 13 6	ditto.
Seven acres of ground in Wise Carr	4 June 1830	26 Oct. 1828	7 – –	– 2 4	- -	10 6 6	ditto.
Lands called Summer Game Hill, containing 42 acres	13 Jan. 1834	1 May 1833	15 10 –	– 16 2	– 9 –	21 7 3	ditto.
A close called Duck Field, containing 3 acres	4 June 1830	26 Oct. 1828	not known	– 2 –	- -	1 – –	ditto.
SOWERBY GRANGE:							
Divers tenements and closes, containing in all 265 acres	8 Aug. 1832	18 Aug. 1831	125 10 –	1 19 8	4 8 9	185 5 6	ditto.
A messuage and several closes of land, &c.	20 Oct. 1835	at date of lease	40 – –	1 – –	1 15 2	55 17 3	ditto.
A messuage or tenement and land called Parson's Closes	23 Mar. 1832	- ditto -	95 10 –	– 13 4	3 2 2	140 6 –	ditto.
Six closes, containing 103 acres, called Strangeway's Winter Closes	- ditto -	- ditto -		1 6 –			
A messuage and lands called Belt's Farm	2 May 1829	- ditto -	123 – –	3 – –	2 1 4½	180 – –	ditto.
A messuage or tenement, and several closes of land	9 Feb. 1829	19 Oct. 1828	140 – –	1 19 8	3 1 11½	207 – 6	ditto.

CONCURRENT LEASE.

ESTATE.	Date of Concurrent Lease.	Date of Subsisting Lease.
Mines and minerals in the parish of Lanchester	17 Nov. 1835	24 Jan. 1831.

ACCOUNT of LEASES held under the See of Durham for the Term of Three Lives.

Current N° on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal. £. s. d.	Rent. £. s. d.	Land Tax. £. s. d.	Fine on last Renewal. £. s. d.	Ages of Lives at Date of Lease.
	DARLINGTON WARD.						
	WEARDALE:						
1	Lands in Burnhope - -	30 Mar. 1824	267 17 6	4 – –	– 16 –	930 16 9	- - for two lives & one exchanged; ages 14, 11 and 10 years.
2	A messuage or tenement, and half a tenement at Burtree Ford - - - -	28 May 1796	7 10 +	– 9 –	- -	9 8 9 for one life	32, 23 & 12 years.
3	Moiety of an estate at Eastgate	14 Nov. 1825	200 – –	5 6 8	3 15 3½	1,000 – – for two lives	48, 21 & 13 years.
4	The other moiety of ditto -	26 April 1832	200 – –	5 6 8	3 15 3½	2,963 11 3 for three lives	41, 28 & 21 years.
5	A tenement in Stanhope Park, and half a tenement called Ling's Garth - - -	18 Mar. 1818	140 – –	3 17 8	3 – 2	340 5 10 for two lives	63, 23 & 18 years.
6	One moiety of ground called Lint's Garth - - - -	17 Dec. 1824	18 – –	– 7 8	– 5 4	22 1 8 for one life	39, 35 & 8 years.
7	Two pastures called Kylhope and Welhope, and Spark Sheel - - - -	17 Dec. 1824	282 10 –	1 17 8	1 18 –	350 15 5 for one life	39, 35 & 8 years.
8	A parcel of ground called Parrocks - - - -	1 July 1823	16 12 6	1 3 –	– 7 11	19 6 11 for one life	65, 44 & 13 years.
9	A tenement called Spring House - - - -	21 Dec. 1827	90 – –	1 4 –	– 18 2	133 4 – for one life	24, 26 & 10 years.
	BEDBURN PARK:						
10	The herbage of the said park -	11 Nov. 1826	185 – –	2 – –	3 5 10	228 15 – for one life	29, 25 & 19 years.
	COATHAM MUNDEVILLE:						
11	Eighteen acres of Coatham Wastes (allotted to the Bishop upon the division there) -	17 July 1811	21 10 –	– 10 –	– 9 –	104 – – for two lives	44, 19 & 18 years.
12	A messuage or tenement and lands called Deanhead Farm, containing about 120 acres -	26 Nov. 1825	80 – –	1 10 –	- -	98 12 6 for one life	21, 8 & 39 years.
13	A moiety of Coatham demesnes	11 Aug. 1834	103 5 –	1 7 –	- -	152 17 – for one life	29, 15 & 12 years.
14	The other moiety of ditto -	11 Aug. 1834	103 5 –	1 7 –	- -	152 17 – for one life	29, 15 & 12 years.
	DARLINGTON:						
15	Pasture Gates, in Grange Close, near Cockerton, or parcel of ground there inclosed, in lieu of them - - - -	9 Nov. 1832	50 – –	2 1 4	- -	191 14 8 for one life	80, 59 & 23 years.
16	Land called Skepper Closes -	30 Sept. 1808	13 7 6	– 12 –	– 5 6	16 14 3 for one life	58, 40 & 14 years.
17	Darlington tolls, fairs and markets, with the toll-booth there, and bakehouse - -	23 July 1822	165 – –	15 16 –	– 18 6½	335 14 – for one life & one exchang[d]	28, 15 & 17 years.
	EVENWOOD:						
18	Cottage or tenement, and a parcel of ground called Well Close, together with a small parcel of ground and allotment - - - -	10 April 1827	26 – –	– 15 1	- -	31 11 2 for one life	68, 43 & 22 years.
19	A water corn-mill - - -	10 June 1834	35 – –	1 8 1½	– 2 11	52 10 – for one life	49, 15 & 11 years.
20	One-fourth and one-half of Buckhead's & Bowes' Closes, and all the closes and grounds thereto belonging; also an allotment of two parcels of ground, containing 90 A. & 20 P. - - - -	12 April 1830	328 5 –	9 – –½	4 1 8	473 17 6 for one life	32, 32 & 20 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current N° on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives at Date of Lease.
	DARLINGTON WARD—*continued.*						
	HEIGHINGTON:		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
21	A messuage, two oxgangs of town land, and two oxgangs of demesne land	21 Aug. 1833	187 15 –	2 3 –	– –	278 8 – for one life	50, 19 & 9 years.
22	A tenement, one oxgang of town land, and 3 oxgangs of demesne land	2 May 1808	96 – –	1 14 6	– –	120 – 7 for one life	47, 36 & 4 years.
23	A house and about 101 acres of land	30 Aug. 1830	240 – –	4 16 10	– –	470 6 4 for one life	64, 44 & 16 years.
24	A house and one close	3 April 1818	14 – –	– 1 –	– –	17 8 9 for one life	14, 20 & 13 years.
25	A tenement and two oxgangs of town land	27 Feb. 1834	37 5 –	1 6 8	1 10 –	51 12 – for one life	62, 16 & 14 years.
26	Cow Moors, eight acres, and Cow Moor Close, five acres	6 April 1822	value in 1803, 27 10 –	– 7 4	– –	fine in 1803, 34 10 10 for one life	37, 43 & 41 yrs; same lives in 1822 as in lease of 1803.
27	House and close, 10 acres, and demesne close, two acres	27 Feb. 1834	26 – –	– 10 5	– –	76 8 9 for one life	69, 47 & 11 years.
28	Lands called Sharpley and Dead Meadows	22 Jan. 1835	43 – –	– 16 10	– –	63 4 9 for one life	64, 12 & 6 years.
29	Land called the Dean, containing four acres	1 May 1815	10 15 –	– 3 4	– 10 3½	13 10 10 for one life	62, 26 & 5 years.
30	A house and close called High Side Bank, containing 4 acres	22 Feb. 1813	10 8 –	– 1 8	– –	13 – 5 for one life	63, 60 & 16 years.
31	Two closes called Far & Middle Bankton, with houses and barns, &c. about 70 acres	26 Mar. 1832	85 – –	– 13 6	– –	210 16 3 for one life	59, 52 & 17 years.
32	A tenement and one oxgang of town land	27 June 1818	48 – –	– 13 4	– 8 1½	59 3 4 for one life	48, 24 & 5 years.
33	A tenement and six oxgangs of land	3 Aug. 1819	90 10 –	2 7 6	– –	110 13 1 for one life	16, 15 & 15 years.
34	Hope House and land, part of the last lease	ditto	96 – –	1 3 –	– –	118 11 3 for one life	16, 15 & 15 years.
35	Two oxgangs of demesne land	30 June 1807	24 – –	– 9 8	– –	30 3 9 for one life	36, 26 & 14 years.
36	One tenement, one oxgang of town land, and three acres of demesne land	10 July 1827	97 2 –	– 12 8	– –	156 15 2 for one life	55, 10 & 8 years.
37	A tenement, three oxgangs of town land, and two closes of land	12 June 1820	71 5 –	2 – –	– 5 11½	86 11 3 for one life	40, 13 & 25 years.
38	A tenement and one oxgang of town land	18 Sept. 1793	33 16 8	– 13 4	– –	42 5 10 for one life	31, 23 & 14 years.
39	Half a messuage, 1 oxgang of town land, with 1 acre of arable	24 Sept. 1794	22 – –	– 8 6½	– –	27 10 – for one life	24, 25 & 19 years.
40	Three closes or parcels of ground, being part of the premises comprised in the above lease	23 Mar. 1795	15 – –	– 6 6½	– –	18 15 – for one life	25, 26 & 7 years.
41	Two oxgangs of town land, and four ditto of demesne land, with a messuage	21 Aug. 1833	152 5 –	2 6 –	– –	262 8 3 for one life	66, 21 & 14 years.
42	School lands for the benefit of Heighington school	18 Sept. 1811	– –	– 4 –	– 4 10½	no fine	14, 16 & 13 years.
43	Tenement belonging to the town land, and 1 oxgang of demesne land	8 Feb. 1826	32 – –	– 5 –	– –	39 13 9 for one life	45, 14 & 17 years.
44	One oxgang of town land, and 1 oxgang of demesne land	10 June 1807	22 10 –	1 3 –	– –	28 2 6 for one life	24, 22 & 12 years.
	KILLERBY:						
45	Two messuages or tenements	29 Mar. 1834	90 16 6	4 11 –½	– –	312 14 11 for one life	66, 61 & 11 years.
	MIDDRIDGE:						
46	A tenement, 2 cottages and 1½ oxgangs of land	15 Feb. 1831	50 5 –	1 – –	– –	110 16 3 for one life	66, 43 & 25 years.
47	One oxgang of land	25 Oct. 1824	16 – –	– 6 8	– –	19 11 8 for one life	62, 6 & 4 years.
48	A messuage, 4 oxgangs of land, a messuage and 1 oxgang of land, and a parcel of land called the New Lands Acre	3 Oct. 1831	133 – –	3 7 8	– –	291 12 9 for one life	66, 44 & 15 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current N° on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives at Date of Lease.
	DARLINGTON WARD:—MIDDRIDGE—*continued.*		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
49	A messuage, tenement or farm-hold, with a cote-house and garth thereto belonging	1 Apr. 1823	90 – –	2 – –	– –	110 – – for one life	59, 27 & 5 years.
50	One messuage and 3 oxgangs of land	27 June 1818	110 – –	1 18 4	– –	135 2 1 for one life	59, 54 & 12 years.
51	A tenement and three oxgangs of town land	30 Dec. 1835	70 10 –	2 – –	– –	102 15 – for one life	37, 27 & 10 years.
52	A tenement and two oxgangs of land	1 May 1830	77 – –	1 6 8	– –	113 10 – for one life	45, 17 & 6 years.
	RICKNALL GRANGE:						
53	Three-fourth parts of Ricknall Grange	26 May 1823	800 – –	26 – –	8 7 8 for this and the next lease	967 10 – for one life	48, 39 & 15 years.
54	One-fourth part of ditto	24 Jan. 1827	355 – –	7 10 –	*see* above	521 5 – for one life	43, 45 & 6 years.
	WEST AUCKLAND:						
55	Closes and grounds called Coweplands and Hall Meadows	24 June 1814	170 – –	2 2 –	– –	212 11 10 for one life	70, 37 & 38 years.
56	A water corn-mill	ditto	45 – –	3 6 8	– –	52 8 – for one life	70, 37 & 38 years.
57	Land called Bishop's Dean, and allotment	22 Jan. 1806	8 5 –	– 12 1½	– – 5	10 6 3 for one life	13, 19 & 10 years.
	WOLSINGHAM:						
58	Lands called Baxton Bank	28 Sept. 1827	162 10 –	3 – –	– –	319 – – for one life	56, 34 & 10 years.
59	Part of the demesnes	7 Nov. 1831	82 – –	– 12 7	– 11 10	181 15 1 for one life	63, 36 & 13 years.
60	A parcel of ground, containing 7 A. 3 R. 1 P.	31 Aug. 1792	8 – –	– 5 5	– –	9 18 2 for one life	47, 24 & 11 years.
61	Parcel of the demesnes in the Hall Fields or West Fields, and allotments	20 Sept. 1830	142 – –	2 4 –¼	– –	209 14 – for one life	49, 32 & 24 years.
62	Wolsingham tolls	20 June 1820	value not known	3 6 8	– –	no fine	for one life only.
63	A close called the Eyles, with a house thereto belonging	25 Oct. 1827	18 10 –	– 9 8½	– 12 10	31 10 7 for one life	62, 19 & 18 years.
64	A moiety of the Lodge in the park, and lands called the Great and Little Rights, and allotments	3 July 1814	32 – –	– 13 8	– 5 2	39 3 – for one life	49, 36 & 12 years.
65	Nine acres of ground, eight pasture gates on Bishop Oak, &c. parcel of Wolsingham Park	2 Sept. 1816	33 10 –	1 – –	1 6 –	40 12 6 for one life	44, 28 & 25 years.
66	A moiety of a messuage or tenement called the Lodge, and all those parcels of ground between the foot of the Eyles and Townsend Burn	10 May 1823	25 – –	– 5 –	– –	30 18 9 for one life	43, 22 & 22 years.
67	Allotment on the North Moor, containing 168 A. 1 R. 5 P.	13 Apr. 1813	64 – –	2 16 1	– –	79 19 10 for one life	44, 36 & 27 years.
68	Lands, part of the demesnes	18 Jan. 1834	90 – –	– 12 6	– 14 8	134 1 3 for one life	25, 12 & 16 years.
69	Todd's Field, Cockhouse Field and Earl's Field, parcel of the demesnes	26 Feb. 1821	56 – –	– 6 3	– –	69 12 2 for one life	53, 28 & 19 years.
	MINES:						
70	Railey Fell colliery	27 Nov. 1830	1,480 – –	70 – –	– –	2,467 10 – for one life	39, 34 & 12 years.
71	Evenwood colliery	11 Mar. 1822	830 – –	1 *l.* and 1 *l.* 13*s.* 4*d.* for every pit	5 10 6	1,500 – – for one life	48, 21 & 10 years.
72	Collieries of Etherley, Hunwick Moor, Redworth Moor, alias Brusselton Moor closes, Escomb Hirst, the town fields of Escomb and Newton Cass, and copyholds of West Thickley	14 Oct. 1824	1,030 – –	6 *l.* and 100 fothers of coal yearly		2,048 – – for one life	61, 43 & 25 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current No. on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives at Date of Lease.
	DARLINGTON WARD:—MINES—*continued.*			£. s. d.	£. s. d.	£. s. d.	
	Moor-master's place and lead-mines in the parishes of Wolsingham and Stanhope -	1 Jan. 1834	*	150*l.* and one-ninth of lead ore † -	22 3 8		
73	Lead-mines under the several parks of Stanhope and Wolsingham, and under all and every the lands, closes and inclosed grounds of copyholders, leases for years and customary tenants in Weardale - - - - - -	- ditto -	*	One-ninth of lead ore		6,000 - - for one life	72, 32 & 19 years.

* A gross fine of 6,000*l.* was received for the renewal of these two leases, without strict regard to the annual value, respecting which there was great difference of opinion between the Bishop's viewer and Mr. Beaumont's, and the price of lead at that time was remarkably low.

† The sum of 140*l.*, part of the rent reserved by the moor-master's lease, was granted by the late Bishop of Durham to the Curate of Lanchester in augmentation of that curacy.

CHESTER WARD AND BEDLINGTON.

	BEDLINGTON:						
74	The manor of Sheepwash and Sheepwash House, and about 21 acres of ground, and the coal-mines under the same -	26 Dec. 1814	value not known	3*s.* 3*d.* & 6*s.* 8*d.* for every pit - -		fine not known	39, 31 & 32 years.
75	Coal-mines within Cleaswell-Hill Farm - - - -	22 Mar. 1822	- ditto -	8*d.* and 6*s.* 8*d.* for every pit - -		- ditto -	28, 22 & 15 years.
76	Two messuages and three parts of a ploughgate (said to be the Low Field Farm, Bp. C.) called Killerby - - -	23 Apr. 1832	425 - -	2 13 -	6 8 -	675 18 10 for one life	44, 30 & 16 years.
77	A tenement called Landoner's Farm - - - -	16 Aug. 1820	135 - -	1 6 8½	3 4 3	168 6 5 for one life	63, 33 & 32 years.
78	A messuage, tenement or farm-hold called Marshall's Farm, and two closes - - -	14 Oct. 1806	155 - -	- 12 9	1 16 2½	194 4 - for one life	16, 29 & 24 years.
79	Two houses and gardens -	17 June 1822	24 - -	- 1 -	- -	29 18 9 for one life	40, 39 & 21 years.
80	House and garden - - -	May 1808	24 - -	- - 9	- -	120 - - for two lives	24, 9 & 3 years.
81	Two cottages and garths -	23 Mar. 1824	5 - -	- - 3	- -	39 18 - for three lives	68, 24 & 17 years.
82	Cottage and garth - - -	11 Mar. 1826	2 10 -	- 1 -	- -	12 - - for two lives	47, 29 & 7 years.
83	Ditto - ditto - - -	18 Mar. 1812	- 10 -	- - 1½	- -	5 5 - for three lives	34, 11 & 8 years.
84	Two messuages, now called Lernen's farm - - -	3 Dec. 1823	258 - -	2 - 1½	3 15 -	320 - - for one life	44, 15 & 3 years.
	CHESTER:			CHESTER WARD.			
85	One cavil of land - - - -	10 Jan. 1833	43 8 -	1 8 -	- 6 5	210 - - for two lives	23, 17 & 14 years.
86	Ditto - ditto - - -	6 Aug. 1825	54 6 -	1 12 6	- -	66 2 5 for one life	45, 25 & 12 years
87	Half a cavil of land - -	22 Nov. 1824	27 3 -	- 14 -	- 12 11¼	33 1 3 for one life	64, 46 & 8 years.
88	A close or pasture ground called Bedmon Flatt - - -	20 Oct. 1831	77 - -	4 4 8	1 13 3½	106 14 - for one life	39, 24 & 13 years.
89	One cavil of land - - -	- ditto -	32 - -	1 8 -	- -	91 16 - for two lives	39, 13 & 8 years.
90	Ditto - ditto - - -	- ditto -	49 10 -	1 12 6	- -	143 12 6 for two lives	46, 13 & 8 years.
91	Ditto - ditto - - -	23 May 1825	50 - -	1 8 -	- -	60 15 - for one life	59, 27 & 8 years.
92	Ditto - ditto - - -	- ditto -	52 10 -	1 8 -	- -	63 17 6 for one life	23, 14 & 7 years.
93	Ditto - ditto - - -	- ditto -	46 10 -	1 8 -	- -	56 7 6 for one life	55, 51 & 5 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current No on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives at Date of Lease.
	CHESTER WARD:—CHESTER—*continued.*		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
94	Half a cavil of land - - -	1 Dec. 1800	20 – –	– 14 –	- -	24 – 6 for one life	26, 24 & 8 years.
95	One cavil of land - - -	13 May 1823	48 – –	1 8 –	– 8 –	58 5 – for one life	34, 27 & 29 years.
96	Half a cavil of land - - -	3 Aug. 1812	30 – –	– 14 –	- -	37 13 11 for one life	61, 8 & 23 years.
97	Ditto - ditto - - -	20 Oct. 1831	21 – –	– 14 –	- -	45 13 6 for one life	63, 39 & 13 years.
98	Water corn-mill and common bakehouse - - - -	20 Oct. 1831	85 – –	8 8 –	- -	306 8 – for two lives	63, 13 & 8 years.
99	Allotment on Chester West Moor and Pelton Common -	20 Aug. 1834	28 – –	1 11 6	- -	39 12 9 for one life	41, 29 & 23 years.
	LANCHESTER:						
100	A tenement and close called Acron Close - - - -	1 Jan. 1796	17 10 –	– 4 –	– 3 9½	21 7 6 for one life	53, 35 & 24 years.
101	Houses and lands, late part of Lanchester Fell - - -	13 Jan. 1832	72 9 –	5 – –	1 3 9¼	265 1 – for one life	60, 69 & 32 years.
	RYTON:						
102	A water corn-mill - - -	9 Dec. 1807	24 10 –	2 – –	- -	122 10 – for two lives	41, 57 & 55 years.
103	Messuage or tenement and lands called the Kio Riggs -	10 Feb. 1824	60 – –	– 16 8	- -	73 19 2 for one life	45, 35 & 49 years.
	WEST BOLDON:						
104	Two closes of meadow and pasture ground called Fatherless Field - - - -	27 Mar. 1822	value in 1812, 50 – –	1 3 4	- -	fine in 1812, 59 – 2 for one life	61, 51 & 31 years; same lives in 1822 as in the lease of 1812.
	COAL-MINES:						
105	The coal-mines at Blackburn -	4 Oct. 1810	88 – –	40 – –	- -	110 – – for one life	35, 31 & 14 years.
106	The coal-mines within the copyholds at Chester, and the wastes at Newbridge End - - - - - -	8 Mar. 1832	*	5*l.* 2*s.* 6*d.* & 1*l.* 6*s.* 8*d.* for every pit -		1,500 – – for three lives	14, 12 & 10 years.
107	Coal-mines at Ryton and Stella	17 May 1813	500 – –	6*l.* 13*s.* 8*d.* & 1*l.* 6*s.* 8*d.* for every pit -		1,200 – – for one life, and one exchanged	40, 11 & 9 years.

* This was a new lease granted for three lives, in consideration of a fine of 1,500*l.* The colliery at that time was not opened, and though it has been since and is now working, I cannot tell what the value of it may be without obtaining a special Report from the colliery viewer.

STOCKTON WARD:

	BISHOP MIDDLEHAM:						
108	The park and demesne lands -	15 Feb. 1831	190 – –	9 8 6	- -	356 13 4 for one life	66, 35 & 10 years.
109	Two closes called Rawling's Flatts, containing 12 acres -	21 Sept. 1829	30 – –	– 10 –	- -	44 5 – for one life	41, 31 & 19 years.
110	A close called Little Flatt, part of the demesnes - -	19 Feb. 1801	3 10 –	– 2 6	– – 5½	4 16 10 for one life	47, 11 & 14 years.
	CORNFORTH:						
111	A tenement and farmhold -	16 July 1825	95 10 –	1 14 –	1 1 7½	117 5 – for one life	46, 40 & 11 years.
112	A tenement, containing 2 lands	11 Apr. 1831	70 – –	2 6 –	1 18 –	118 9 6 for one life	69, 13 & 14 years.
113	Part of ground, being the east side of Spenknowle, and a close called Horseley Potts -	31 Oct. 1834	30 10 –	– 7 8	– 10 6¼	36 17 9 for one life	34, 32 & 7 years.
114	A tenement - - - - -	29 Jan. 1833	80 – –	– 11 6	– 19 3½	117 13 11 for one life	39, 33 & 18 years.
115	Land called Bishop's Meadows	1 June 1831	51 10 –	– 19 2	1 2 6	200 3 4 for two lives	53, 14 & 11 years.
116	A messuage and 3 acres of land	1 Apr. 1824	56 – –	– 15 4	– 18 8½	62 15 10 for one life	46, 31 & 17 years.

(*continued.*)

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current No on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives at Date of Lease.
	STOCKTON WARD:—CORNFORTH—*continued.*		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
117	A messuage and two oxgangs of land, and limestone quarries -	8 June 1822	62 10 –	1 3 –	– 4 8	77 – – for one life	47, 16 & 5 years.
118	Part of a farm called Spenknowle and Watery Furrs -	10 Aug. 1816	31 – –	– 7 8	- -	38 5 5 for one life	53, 22 & 11 years.
119	A messuage, and all limestone quarries within the same -	21 July 1832	70 – –	2 6 –	1 5 8½	208 8 6 for one life	34, 29 & 9 years.
120	A messuage or farmhold - -	5 Jan. 1835	92 15 –	1 14 –	- -	147 19 1 for one life	72, 14 & 8 years.
121	A tenement and lands - -	22 Oct. 1833	32 10 –	– 10 –	- -	120 – – for one life	70, 59 & 15 years.
122	Half a tenement - - -	3 May 1823	60 – –	– 18 –	3 9 10½	73 17 6 for one life	20, 16 & 9 years.
123	A tenement - - - - -	22 Oct. 1833	43 – –	1 3 –	- -	104 12 6 for one life	70, 43 & 12 years.
124	Half a tenement and lands called Stotfield - - -	26 May 1814	195 – –	– 16 –	- -	243 1 3 for one life	25, 11 & 11 years.
125	A water corn-mill and the batts adjoining - - - -	29 Nov. 1826	49 10 –	5 6 8	- -	66 5 – for one life	61, 14 & 11 years.
126	A third part of a tenement and land called Burnghill - -	16 Nov. 1822	28 14 –	– 7 8	- -	35 7 11 for one life	75, 52 & 19 years.
127	A messuage or tenement and lands - - - - -	1 Nov. 1831	188 – –	2 15 10	3 13 11½	370 8 4 for one life	70, 17 & 12 years.
128	Lands called the Moor, &c. -	18 June 1804	90 – –	2 6 –	- -	108 7 6 for one life	43, 27 & 3 years.
	SEDGEFIELD:						
129	Two tenements and four oxgangs of land - - - -	18 Dec. 1815	8 – –	– 3 6	- -	7 16 6 two lives exchanged	34, 19 & 20 years.
130	A water corn-mill, a tenement and lands - - - -	29 April 1796	16 – –	3 – 7	– 2 4½	20 – – one life	53, 22 & 22 years.
	STOCKTON:						
131	Lands called Lustrum and Elwick Myers - - - -	24 May 1824	135 – –	5 3 4	- -	1,038 13 4 for two lives and one exchanged -	22, 16 & 25 years.
132	Bakehouse, ferry-boat & lands (pursuant to Act of Parliament for building a Bridge across the Tees at or near the ferry, certain lands were purchased in lieu of the ferry-boat, &c.) - - - - -	5 Mar. 1825	value not known	3 4 8	- -	no fine	63, 52 & 25 years.
		This lease was granted without fine, pursuant to Act of Parliament.					
133	New close, now divided into three closes - - - -	22 Aug. 1834	24 – –	– 13 4	– 6 6	48 17 10 for one life	75, 36 & 14 years.
134	Lands, parcel of the demesnes of Stockton, containing 114A. 1R. 19P., called the North part - - - - - -	18 April 1828	- -	8 – –	- -	fine in 1790, 1,306 15 – for one life, and one exchanged -	65, 60 & 55 years; same lives in 1828 as in lease of 1790.
	Lands, parcel of the demesnes of Stockton, containing 112A. 2R. 13P., called the Middle part - - - - - -	- ditto -	value in 1790, 500 – –	10 – –			
	Lands, parcel of the demesnes of Stockton, containing 79A. 2R. 10P., called the South part - - - - - -	- ditto -	- -	6 – –			
	EASINGTON WARD.						
	CASSOP:						
135	Half a messuage, or tenement and lands - - - - -	30 June 1812	63 – –	2 11 3	3 5 –	75 10 11 for one life	43, 38 & 6 years.
136	Half a tenement and lands -	4 Dec. 1812	66 10 –	2 11 3	3 5 –	79 13 5 for one life	40, 39 & 3 years.
137	Ditto - ditto - - - -	18 Feb. 1835	55 – –	2 10 –	- -	85 6 3 for one life	65, 22 & 11 years.
138	Messuage, tenement or farmhold	20 Oct. 1825	111 – –	2 10 –	- -	135 12 6 for one life	49, 26 & 3 years.
139	Ditto - ditto - - -	13 May 1816	not known	2 10 –	- -	not known	45, 40 & 17 years.
140	A tenement and three lands, each containing 30 acres -	10 Aug. 1818	160 – –	5 – 6	3 5 –	193 14 4 for one life	58, 50 & 34 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current No on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives at Date of Lease.
	EASINGTON WARD—*continued.*						
	DURHAM:		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
141	All the borough and tolls of fairs, markets, &c. - -	21 Sept. 1810	not known	20 – –	- -	no fine	42, 16 & 11 years.
	EASINGTON:	This lease is held by the Corporation, for the renewal of which no fine was paid.					
142	Part of a tenement and main -	10 Feb. 1835	23 – –	– 4 8½	- -	34 3 – for one life	23, 23 & 8 years.
143	A messuage and lands called White Hall - - - -	4 Dec. 1828	24 – –	– 7 6	- -	35 8 9 for one life	43, 31 & 30 years.
144	A tenement and lands (for the Lecturer of St. Nicholas, in Durham) - - - -	18 Sept. 1830	not known	2 5 3	– 18 11½	no fine	29, 25 & 14 years.
145	Lands called Duncom Moor -	22 Oct. 1833	35 – –	– 11 6	- -	77 9 1 for one life	56, 46 & 18 years.
146	A messuage or tenement and lands called Coleman's Close	10 June 1835	95 – –	1 – –	1 8 1	138 17 10 for one life	57, 29 & 13 years.
147	Lands called Fleming Fields, containing 122 acres - -	9 Mar. 1825	54 – –	1 – –	– 18 1	66 5 – for one life	22, 22 & 13 years.
148	One cottage and garth, with pasturage for a horse, a cow and five sheep - - -	20 Dec. 1800	13 – –	– 9 6	– 4 7	15 13 1 for one life	24, 20 & 17 years.
149	A tenement and lands called the Ell Close, 4 riggs and 1 bath of land - - -	8 Jan. 1822	30 – –	– 8 6	– 6 3¾	36 19 5 for one life	42, 40 & 22 years.
150	A close called Easington's Close, containing 2 ½ acres - -	22 July 1832	7 – –	– 3 5	- -	10 4 11 for one life	28, 25 & 7 years.
151	Two closes, adjoining the Sea-side Lane, containing 7 acres	2 Jan. 1833	18 – –	– 5 9	- -	26 11 5 for one life	31, 29 & 21 years.
152	A tenement or new dwelling-house in Easington - -	1 May 1823	value in 1812, 12 – –	– 7 –	- -	fine in 1812, 14 8 9 for one life	29, 23 & 16 years. (No fine in 1823.)
	EAST BURDON:						
153	A tenement and lands - -	23 Jan. 1832	42 – –	1 16 –	– 11 4	158 10 8 for one life	76, 69 & 8 years.
154	A tenement and Netlesse Close	22 Dec. 1831	62 15 –	1 2 –	1 3 –	90 15 – for one life	43, 26 & 10 years.
155	A tenement and half - -	5 Dec. 1831	value in 1825, 180 – –	3 3 8	1 19 –	fine in 1825, 221 – 5 for one life	- - 58, 30 & 11 years; same lives in 1831 as in lease of 1825.
156	A tenement - - - - -	- ditto -	value in 1825, 172 10 –	1 13 6	2 9 7½	fine in 1825, 213 10 8 for one life	- - 21, 16 and 18 years; same lives in 1831 as in lease of 1825.
157	A tenement and lands - -	15 July 1826	230 – –	1 18 4	- -	285 1 8 for one life	69, 34 & 21 years.
	LITTLE THORPE:						
158	A tenement and lands - -	28 Mar. 1825	150 – –	4 14 2	-	181 12 4 for one life	20, 23 & 22 years.
159	Half a tenement, part of the demesnes - - - -	5 Feb. 1810	116 – –	2 8 –	- -	568 4 – for two lives	45, 27 & 29 years.
160	Half a tenement and lands -	29 April 1810	120 – –	2 7 1	- -	148 18 – for one life	27, 19 & 18 years.
161	Five closes called Thompson's Lee, containing 19 acres -	14 Jan. 1834	10 – –	– 6 6	- -	14 10 3 for one life	49, 29 & 15 years.
162	Half a tenement and lands -	7 May 1827	82 – –	2 – 7	– 15 8	205 – – for one life	77, 36 & 31 years.
	MIDDLE HERRINGTON:						
163	A moiety of the Hainings -	1 Mar. 1831	65 – –	1 8 –	- -	127 4 – for one life	65 25 & 20 years.
	NEWBOTTLE:						
164	A tenement and lands - -	18 Oct. 1803	140 – –	2 6 8	- -	175 1 – for one life	30, 18 & 14 years.
165	A messuage, tenement or farm-hold and lands - - -	11 April 1804	140 – –	2 2 6	- -	174 10 6 for one life	28, 42 & 15 years.
166	Three closes of ground called High Haining Closes - -	16 Aug. 1824	31 2 6	1 8 –	- -	37 3 2 for one life	40, 28 & 10 years.
167	A water corn-mill and land -	24 July 1830	30 – –	2 13 4	- -	68 6 8 for one life	84, 32 & 3 years.
168	Two tenements - - -	13 Jan. 1830	90 – –	4 16 10	- -	127 14 9 for one life	43, 31 & 10 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current N° on the Rent Roll	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives at Date of Lease.
	EASINGTON WARD—*continued.*						
	QUARRINGTON:		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
169	A messuage or tenement or five closes of land	29 Nov. 1826	36 – –	– 10 –	– –	53 5 – for one life	57, 31 & 9 years.
170	Five parts of the capital messuage called Quarrington Grange	26 Feb. 1835	375 – –	18 6 8	6 7 5	744 7 6 for one life	50, 45 & 21 years.
171	Part of Quarrington Grange	16 Apr. 1835	122 – –	4 12 8	2 9 –	258 11 3 for one life	64, 42 & 8 years.
172	Ditto - ditto -	- ditto -	78 – –	3 14 –	1 15 –	163 4 9 for one life	64, 42 & 15 years.
173	Ditto - ditto -	18 May 1801	24 – –	1 10 –	– –	30 – – for one life	22, 38 & 18 years.
174	Ditto - ditto -	7 Mar. 1835	48 10 –	1 10 –	– –	70 10 – for one life	46, 12 & 8 years.
	RYHOPE:						
175	Two tenements, two lands and two mains	20 Feb. 1823	506 – –	3 13 4	3 1 1	627 18 4 for one life	42, 26 & 14 years.
176	A tenement and lands	7 Nov. 1825	320 – –	2 1 –	1 4 –	475 5 10 for one life	52, 12 & 20 years.
177	Lands in Ryhope	13 Oct. 1825	123 – –	– 11 8	– 11 1	307 8 4 for one life	52, 15 & 13 years.
178	A tenement and one-fourth of a main	22 Mar. 1813	70 – –	3 – –	– –	87 7 3 for one life	55, 41 & 20 years.
179	A messuage and lands	- ditto -	156 – –	2 7 2½	– –	195 7 3 for one life	40, 41 & 20 years.
180	A wind corn-mill	2 June 1790	7 – –	2 – –	– –	8 15 – for one life	32, 17 & 18 years.
181	One messuage or tenement, one land, the fifth part of two lands, one main, and one-third of a main	9 June 1828	value in 1823, 163 – –	1 12 1	– –	fine in 1823, 201 14 11 for one life	- - 53, 39 & 21 years; same lives in 1828 as in lease of 1823.
182	A messuage and lands	16 Aug. 1826	177 8 6	2 3 4	– –	262 17 9 for one life	55, 32 & 11 years.
183	A messuage or tenement, one and a half land, one and a half main, and two cottages	14 July 1834	68 – –	1 – –	– –	100 10 – for one life	38, 18 & 30 years.
184	Two cottages and a garth	1 Aug. 1834	12 – –	– – 6	– –	17 19 3 for one life	34, 22 & 15 years.
185	Two closes containing 11 A. & 30 P.	30 Oct. 1833	48 8 –	– 12 –	– –	71 14 –	39, 29 & 16 years.
186	A messuage and three closes, containing 16 A. 1 R. 4 P.	6 Dec. 1834	70 10 –	– 15 6	– 9 3	103 17 10 for one life	27, 20 & 13 years.
187	A tenement and lands	9 Apr. 1813	165 – –	2 12 8	– –	206 1 8 for one life	50, 39 & 9 years.
188	Ditto - ditto -	10 Apr. 1827	value in 1814, 87 13 –	– 16 10½	– 10 8	fine in 181, 109 11 – for one life	- - 44, 52 & 25 years; same lives in 1827 as in lease of 1814.
189	Ditto - ditto -	8 Feb. 1830	93 – –	– 17 3½	– –	138 4 1 for one life	34, 18 & 16 years.
190	A messuage, one land, one and a half main, one-fifth of two lands, and one cote and one little garth or toft	30 June 1832	201 10 –	2 2 –	1 10 3	296 16 8 for one life	22, 18 & 16 years.
191	The flatts, two closes, 12 acres; and small downs, 7¼ acres, &c.	20 Feb. 1823	value in 1807, 24 5 –	1 – 8	– –	fine in 1807, 30 6 8 for one life	- - 47, 25 & 37 years; one life exchanged in 1823, for which no fine was received.
192	A messuage or tenement, &c.	22 Nov. 1824	12 – –	– 4 2½	– –	14 4 9 for one life	35, 38 & 17 years.
193	Two closes called Lammer Coates, containing 22 acres	16 Mar. 1823	80 – –	– 12 7½	– 8 –	99 4 2 for one life	28, 14 & 13 years.
194	Thirty acres of land	27 Sept. 1832	70 – –	– 14 –	– 9 8	103 4 6 for one life	27, 20 & 10 years.
	SHADFORTH:						
195	A moiety of a tenement and lands	6 Dec. 1833	85 – –	1 7 1½	1 8 8	369 19 1 for one life	70, 67 & 13 years.
196	Ditto - ditto -	10 Nov. 1831	56 10 –	1 7 1½	– –	82 4 4 for one life	48, 25 & 8 years.
197	A moiety of a tenement and lands	13 May 1816	not known	1 2 7	1 6 8	not known	45, 40 & 17 years.
198	A tenement and lands	17 Mar. 1835	94 – –	2 6 3	3 15 4	263 15 3 for one life	67, 50 & 10 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES —*continued.*

Current N° on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives at Date of Lease.
	EASINGTON WARD—*continued.*		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
	SHERBURN:						
199	A messuage or tenement -	20 July 1825	90 16 –	1 5 6	- -	111 18 2 for one life	20, 18 & — years.
200	Part of a messuage and lands -	13 Nov. 1827	60 – –	– 17 7½	- -	88 13 7 for one life	22, 15 & 21 years.
201	A tenement and a cottage -	6 Sept. 1833	111 10 –	2 10 –	- -	163 10 – for one life	20, 21 & 1 years
202	A water corn-mill - - -	1 July 1831	32 – –	2 – –	– 10 –	55 – – for one life	70, 26 & 15 years.
203	A messuage or tenement -	21 Dec. 1830	320 – –	2 4 –	2 10 4	476 14 – for one life	28, 18 & 21 years
204	One tenement, 3 acres of land, a cow-gate, ox-gate, beast-gate and 7½ sheep gates -	17 Apr. 1828	350 – –	2 3 1½	- -	521 15 4 for one life	42, 12 & 4 years.
205	A messuage and lands - -	4 Oct. 1830	135 – –	2 10 8	- -	198 14 – for one life	57, 19 & 13 years.
206	A messuage and 157 acres of land - - - - - -	6 June 1825	201 15 –	2 11 10	– 12 9	247 14 – for one life	46, 44 & 13 years.
207	Sherburn Hall and lands -	23 Feb. 1793	65 – –	2 6 10	- -	86 9 9 for one life	18, 8 & — years.
208	A tenement and lands - -	29 Mar. 1824	120 10 –	2 9 –	- -	147 11 3 for one life	47, 20 & 13 years.
209	A messuage called East Moor House, and 63 acres of land	27 July 1832	55 – –	– 16 8	– 10 9	93 17 1 for one life	57, 27 & 10 years.
	SHOTTON:						
210	Messuages and lands (formerly comprised in six leases) -	11 Nov. 1826	203 7 –	8 19 8	- -	388 14 8 for one life	54, 28 & 16 years.
	SUNDERLAND:						
211	Sea rocks and the kelp growing thereon, between the Tees and the Tyne - - -	1 Jan. 1820	value in 1771, 25 – –	– 5 –	- -	fine in 1771, 31 5 – for one life	23, 17 & 12 years; no fine in 1820.
212	Messuages or tenements - -	4 Oct. 1808	13 12 6	– 13 4	– 11 6	17 – 8 for one life	55, 37 & 14 years.
213	Ditto - ditto - -	23 Nov. 1819	33 10 –	– 13 4	– 1 6	82 1 8 for two lives	36, 20 & 8 years.
	TUNSTALL:						
214	A farm - - - - - -	20 Feb. 1823	405 – –	2 13 4	2 5 11	492 19 8 for one life	78, 47 & 13 years
215	A farmhold, messuage or tenement - - - - -	23 Apr. 1832	200 – –	2 13 4	1 9 6	587 11 6 for one life	66, 53 & 12 years.
216	A farm and part of a windmill	2 June 1826	350 – –	2 13 4	2 5 11	434 3 4 for one life	47, 23 & 23 years.
217	A messuage, farmhold or tenement and premises - -	5 Dec. 1831	value in 1810, 138 – –	2 13 4	1 9 7	fine in 1810, 172 18 – for one life	- - 59, 45 & 25 years; same lives in 1831 as in lease of 1810.
218	A messuage, &c. and part of Tunstall windmill - -	30 Aug. 1826	249 5 6	2 13 4	- -	493 4 4 for one life	78, 12 & 12 years.
219	A messuage, farmhold or tenement and premises - -	5 Dec. 1831	value in 1810, 138 – –	2 13 4	1 9 7	fine in 1810, 172 18 – for one life	- - 34, 57 & 28 years; same lives in 1831 as in lease of 1810.
	MINES AND QUARRIES:						
220	Coal-mines under Quarrington Grange - - - -	26 Nov. 1834	600 – –	– 2 6	2 1 6	2,100 – – for one life	79, 45 & 35 years.
221	Quarries of limestone and other stone under ditto - -	26 Feb. 1835	27 – –	– 2 6	- -	40 6 3 for one life	45, 21 & 11 years.
	YORKSHIRE.						
	HOWDEN AND HOWDENSHIRE:						
222	The manor of Wheel Hall, the fishing of Ouse, near ditto, and a windmill with a little close, &c. - - - -	8 D 1826	95 – –	8 5 4	5 13 10	173 9 4 for one life	59, 36 & 26 years.
223	Certain fishings and ferry boats upon the rivers Ouse and Derwent - - - -	15 Nov. 1830	50 – –	6 2 –	– 12 11	263 8 – for two lives	20, 19 & 17 years.
224	A parcel of ground called Bishop's Ings - - -	26 Aug. 1830	144 – –	4 – –	2 – –	210 – – for one life	42, 15 & 10 years.
225	Lands in Howden - - -	12 Aug. 1825	22 – –	6*d.* for every acre	- -	27 1 3 for one life	57, 36 & 18 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current N° on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal. £. s. d.	Rent. £. s. d.	Land Tax. £. s. d.	Fine on last Renewal. £. s. d.	Ages of Lives at Date of Lease.
	YORKSHIRE:—HOWDEN AND HOWDENSHIRE—*continued.*						
226	Bishop's Close, or Saltmarsh Cow-pasture, containing 180 acres	17 May 1828	305 – –	11 6 8	7 – –	513 8 4 for one life	61, 30 & 12 years.
227	Allotment, heretofore part of Bishop's Soil	16 Aug. 1816	8 – –	– – 6 for every acre	– –	9 9 10 for one life	34, 16 & 6 years.
228	Lands at Howden	15 Oct. 1835	97 13 –	5 15 2	3 16 8½	160 16 2 for one life	67, 30 & 9 years.
	NORTHALLERTON:						
229	Lands called Freer Closes, North Lees, &c.	16 July 1809	500 – –	8 12 10½	10 4 11	621 4 3 for one life	42, 30 & — years.
230	Castle Miln and Isley Miln, and several parcels of land	10 June 1824	766 11 –	13 6 –	7 15 8	934 1 3 for one life	37, 31 & 6 years.
	Sixteen oxgangs of old land - ditto -			6 – –	3 16 2		37, 31 & 6 years.
231	Lands called Half Marsh Flatt	13 Sept. 1815	45 10 –	– 10 –	– 11 7	56 17 6 for one life	73, 47 & 11 years.
232	The Castle Hills, Cherry Crucs, &c.	22 Jan. 1824	178 – –	5 4 8	– –	215 19 2 for one life	60, 30 & 9 years.
233	Two oxgangs of land	26 Nov. 1791	54 10 –	1 – 9	1 13 10	66 11 6 for one life	31, 22 & 19 years.
234	One ditto - ditto	5 Oct. 1799	30 12 –	– 7 6	– 18 –	38 5 – for one life	40, 27 & 24 years.
235	Two closes called Windmill Flatt	22 Nov. 1827	62 – –	– 10 –	1 – 7	107 8 9 one life and one exchang[d]	38, 26 & 52 years.
236	One oxgang of new land	2 Feb. 1803	41 9 6	– 10 4½	1 4 –	51 17 – for one life	31, 28 & — years.
237	Lands called Mill Closes, &c.	17 Apr. 1798	21 10 –	– 11 –	– 14 2	26 16 3 for one life	59, 26 & 8 years.
238	One oxgang of old land	26 Nov. 1827	49 3 –	– 7 6	– –	96 19 4 for one life	39, 51 & 11 years.
239	Land called North Rye Flatts	27 Aug. 1811	55 10 –	1 2 –	1 1 –	67 15 9 for one life	38, 36 & 9 years.
240	Land called the Mote Hill	10 July 1828	30 – –	– 18 8	– 10 4	47 4 8 for one life	40, 40 & 15 years.
241	A tenement and lands called Wiskmore	10 Apr. 1834	187 16 –	2 19 4	3 15 –	407 8 9 for one life	61, 38 & 11 years.
242	Two oxgangs of new land, and lands called Pinfold Fields, &c.	17 Mar. 1831	162 8 6	2 7 –	1 1 3½	240 2 3 for one life	31, 10 & 16 years.
243	Lands called Ingdale Closes, and Chapel Garth	9 June 1805	38 15 –	– 19 –	– –	48 8 9 for one life	32, 34 & 20 years.
244	Half an oxgang, containing two pieces of old land	1 June 1819	14 – –	– 2 –	– –	17 7 6 for one life	46, 48 & 14 years.
245	Half an oxgang of old land	9 June 1805	21 15 –	– 2 6	– –	27 – 7 for one life	44, 34 & 20 years.
246	Lands called Dunne's Closes	21 June 1828	46 – –	8 – –	– 15 8	79 6 – for one life & one exchang[d]	56, 16 & 7 years.
247	Land called Bottom Cross Close	18 Jan. 1831	9 – –	– 1 6	– 3 8	15 12 4 for one life	64, 24 & 1 years.
248	An oxgang of land	15 Aug. 1817	38 – –	– 7 6	1 – 2	47 – – for one life	69, 44 & 29 years.
249	Three and a half oxgangs of old land	24 June 1824	186 1 –	1 3 11	– –	231 1 4 for one life	41, 29 & 22 years.
250	One acre of waste ground	12 Aug. 1830	3 10 –	– – 6	– –	12 3 3 for one life	68, 66 & 25 years.
251	An oxgang of old land	14 Sept. 1807	26 16 –	– 8 –	– 7 6	33 10 – for one life	50, 36 & — years.
252	Mompus Close, containing 2½ acres	10 Mar. 1823	9 14 6	– 2 –	– 2 11	11 – 8 for one life	56, 21 & 5 years.
253	Two and a half oxgangs of new land	10 Mar. 1823	88 10 –	– 19 –	– –	109 8 9 for one life	19, 17 & 21 years.
254	Four oxgangs of land	22 Mar. 1834	102 – –	1 9 8	– –	150 15 6 for one life	44, 32 & 13 years.
255	Two oxgangs of old land	11 Mar. 1826	81 14 –	– 15 3	– –	101 3 5 for one life	71, 61 & 28 years.
256	Two - ditto - ditto	27 Mar. 1809	52 6 –	– 16 –	– –	65 7 6 for one life	57, 21 & 14 years.
257	The Conymire and the North Moor, and the watercourse called the Elusyke	10 June 1824	72 4 6	2 – –	– 13 –	87 15 7 for one life	37, 31 & 12 years.
258	Lands called South Rye Flatts and Chapel Garths	25 May 1813	54 15 –	1 11 9	– 19 1	68 8 3 for one life	46, 16 & 7 years.

LEASES held under the SEE of DURHAM for the Term of THREE LIVES—*continued.*

Current N° on the Rent Roll.	ESTATE.	Date of Lease.	Annual Value on last Renewal.	Rent.	Land Tax.	Fine on last Renewal.	Ages of Lives, at Date of Lease.
	YORKSHIRE:—NORTHALLERTON—*continued.*		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
259	Half an oxgang of new land, formerly called Chapel Garths, now divided into eight closes, containing 24 acres - -	21 June 1828	65 – –	– 5 1	– 9 4	105 4 2 for one life	53, 21 & 20 years.
260	Three closes of ground called Dunne's Closes, containing 18 A. & 24 P. - - -	8 June 1821	66 – –	– 8 4	– 16 1	524 13 4 for two lives	41, 11 & 8 years.
261	Two closes called Ware Banks	10 June 1824	42 10 –	– 6 6	3 2 5	52 14 4 for one life	29, 12 & 12 years.
262	A close, containing 5 A. & 25 P. and eight pieces of land, containing 18 A. & 6 P. - -	- ditto -	58 10 –	– 10 2	- -	72 9 9 for one life	29, 12 & 7 years.
263	Lands called New Closes -	26 June 1834	25 18 –	– 3 3	- -	38 12 1 for one life	39, 13 & 12 years.
264	Lands called Bull's Moor Closes	10 June 1824	11 5 –	– 3 3	- -	13 17 2 for one life	29, 12 & 12 years.
265	Two closes called the Whinney Closes, containing 9A. 1R. 3P.	23 June 1834	37 – –	– 7 5	– 10 4	81 5 – for one life	65, 39 & 18 years.
266	Two closes called Little Fields, containing 8 acres - -	12 Mar. 1816	20 – –	– 5 4	– 9 6	24 13 4 for one life	41, 4 & 7 years.
267	Two closes called White Yates, containing 13 A. 3 R. 22 P. -	23 June 1834	32 10 –	– 6 8	– 12 –	68 7 1 for one life	59, 40 & 18 years.
268	A messuage or tenement and 238 acres of land - -	1 June 1829	240 10 –	2 19 4	3 14 9	475 1 4 for one life	49, 39 & 17 years.
269	Certain lands called Turker, Greenhowsike and Bottom Cross Flatt, containing 95 A. 1R. 3P. - - - -	25 Feb. 1828	216 – –	2 12 4½	- -	310 1 5 for one life	34, 31 & 14 years.
	BROMPTON:						
270	Several parcels of land, containing three and a half oxgangs	30 Oct. 1833	152 – –	– 15 5½	2 6 –	223 7 10 for one life	32, 20 & 12 years.
271	Lands called Dunne's Closes -	17 Sept. 1835	48 15 –	– 5 6	1 6 1½	82 11 10 for one life	24, 17 & 51 years.
272	One and a quarter oxgang of land, containing 16 acres, called Scamthorns - -	15 Mar. 1824	16 – –	– 5 6½	– 12 –	19 13 1 for one life	60, 24 & 15 years.
273	A close called Scottpotts, &c. -	10 July 1828	42 10 –	– 3 2	– 8 8½	68 16 1 for one life	53, 39 & 19 years.
274	Three oxgangs of demesne land	26 Nov. 1827	97 10 –	– 13 4	1 10 10½	193 19 4 for one life	47, 41 & 26 years.
275	One and a half oxgang of demesne land in several closes -	20 May 1820	72 15 –	– 6 7½	1 3 9	90 10 5 for one life	29, 9 & 10 years.
276	Half an oxgang of land in Brompton Moor, containing 11 acres - - - -	26 Mar. 1823	7 14 –	– 1 –	– 3 11½	9 11 3 for one life	56, 50 & 10 years.
277	One and three-quarters oxgang of land called Hell Flatt, and Hell Calves, Intack and Stripe	10 July 1834	34 – –	– 7 10	- -	75 12 4 for one life	54, 50 & 14 years.
278	Three oxgangs of land - -	4 Oct. 1826	140 10 –	– 13 3	– 17 5	174 16 – for one life	24, 22 & 20 years.
279	Forty acres of land - -	2 Oct. 1801	19 10 –	– 10 –	- -	24 7 6 for one life	28, 20 & 12 years.
	OSMOTHERLEY:						
280	A close called Flance Acres -	17 Nov. 1828	6 18 –	– 1 –	- -	10 5 6 for one life	48, 24 & 6 years.
281	An oxgang of demesne land, and half a cottage - -	27 Oct. 1830	81 – –	– 6 6	- -	412 10 10 for two lives	50, 12 & 10 years.
282	Ditto - - ditto -	- ditto -	57 15 –	– 7 6	- -	82 6 3 for one life	55, 35 & 12 years.
283	Two oxgangs of land and four cottages - - - -	19 Nov. 1825	123 15 –	– 17 –	– 1 6	153 12 6 for one life	45, 41 & 11 years.
284	A water corn-mill - - -	9 June 1815	17 10 –	2 11 –	– 8 –	21 16 3 for one life	37, 28 & 7 years.
285	Two oxgangs of demesne land -	17 Apr. 1828	46 8 –	– 16 –	– 9 –	68 8 – for one life	22, 15 & 14 years.
	ROMANBY:						
286	Eight oxgangs and a cottage and 26 oxgang rights, containing 13 acres of meadows in certain Ings, commonly called Allerton Ings - - -	21 Mar. 1825	262 17 –	3 13 –	- -	324 – – for one life	56, 43 & 27 years.

REPORT

FROM THE

SELECT COMMITTEE

ON

CHURCH LEASES;

WITH AN

APPENDIX.

DIOCESE OF DURHAM.

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1837.